

Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

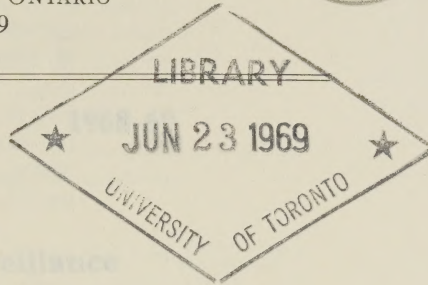
A20N
B
3 56

Publications

81

BILL 182

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to provide for Data Surveillance

MR. REID (Scarborough East)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill regulates and controls the dissemination of data from computers that record and store personal information relating to identifiable individuals. It is designed to safeguard the privacy of such persons by preventing indiscriminate access to such information. Provision is made for any person whose name is programmed into a computer installation to check the accuracy of the data recorded and to require the expunging of that which is incorrect, unfair or out of date. Registration of all such computer installations is required and penalties are provided for any operator of an installation who contravenes the provisions of the Act.

BILL 182

1968-69

An Act to provide for Data Surveillance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "data" means information that has been fed into and stored in a data bank;
- (b) "data bank" means a computer that records and stores information;
- (c) "Minister" means the Minister of Financial and Commercial Affairs;
- (d) "operator" means the person responsible for the operation of a data bank and for the introduction into and extraction from it of data;
- (e) "owner" means the person who owns the machinery comprising the data bank;
- (f) "print-out" means a copy of information contained in the data bank supplied by the computer and translated into normal typescript;
- (g) "Registrar" means the Registrar of Data Banks.

2. There shall be appointed a Registrar of Data Banks.

Registrar

3.—(1) A register shall be kept by the Registrar of all data banks operated by,

Register to
be kept

- (a) The Government of the Province of Ontario or any board, commission or agency thereof;
- (b) a local municipality or any board, commission or agency thereof;

- (c) any person offering to supply information about any other person's credit worthiness, whether to members of a particular trade or otherwise and irrespective of whether payment is made therefor;
- (d) any private investigator or other person undertaking to carry out investigations into any other person's character, abilities or conduct on behalf of third parties;
- (e) any person who offers for sale information stored in such data bank, whether to the general public or otherwise.

Contents of
register

(2) The register shall set forth in respect of each data bank,

- (a) the name and address of the owner of the data bank;
- (b) the name and address of the person responsible for its operation;
- (c) the location of the data bank;
- (d) such technical specifications relating to the data bank as may be required by the Registrar;
- (e) the nature of the data stored or to be stored therein;
- (f) the purpose for which data is stored therein; and
- (g) the class of persons authorized to extract data therefrom.

Owner and
operator to
furnish in-
formation

(3) The owner of the data bank shall furnish to the Registrar the information referred to in clauses *a* to *c* of subsection 2 and the person responsible for the operation of the data bank shall furnish the information referred to in clauses *a* to *g* of subsection 2.

Idem

(4) Subject to subsection 6, any person responsible for registering information under this section shall inform the Registrar of any alterations of, additions to or deletions from the said information within four weeks of such alteration taking effect.

Amend-
ment to
register

(5) If at any time the Registrar is of the opinion that in the circumstances the information given or sought to be given under clause *f* or *g* of subsection 2 might result in the infliction

of undue hardship upon any person or persons or be not in the interest of the public generally, he may order such entry to be expunged from or not entered in the register and in reaching a decision under this subsection or subsection 6, the Registrar shall be guided by the principle that only data relevant to the purposes for which the data bank is operated should be stored therein, and that such data should only be disclosed for those same purposes.

(6) An alteration to the register in respect of clause *f* or *g* of subsection 2 shall be made by application to the Registrar who shall, not later than four weeks after receipt of such application, grant or reject the application giving his reasons in writing. Application for alteration to register

(7) The register together with applications submitted in accordance with subsection 6 shall be open to inspection by the public, including the press, during normal office hours, provided that entries relating to data banks operated by a police force shall be kept in a separate part of the register which shall not be open to inspection by the public. Register open to public; exception

4.—(1) This section applies to all data banks that are required to be registered under section 2 except for, Records to be maintained by operators of certain data banks

(a) data banks which do not contain personal information relating to identifiable persons; and

(b) data banks operated by a police force.

(2) The operator of each data bank to which this section applies shall maintain a written record in which shall be recorded the date of each extraction of data therefrom, the identity of the person requesting the data, the nature of the data supplied and the purpose for which it was required. Contents of print-out

5.—(1) Any person about whom information is stored in a data bank to which section 4 applies shall receive from the operator, not later than two months after his name is first programmed into the data bank, a print-out of all the data contained therein which relates to him and thereafter, he shall be entitled to demand such a print-out at any time upon payment of a fee the amount of which shall be determined by the Registrar, from time to time, and the operator shall supply such print-out within three weeks of such demand. Information to be supplied by operators of certain data banks

(2) Every print-out supplied in accordance with this section shall be accompanied by a statement setting forth, Contents of print-out

(a) the purpose for which the data contained in the print-out is to be used, as entered on the register referred to in section 3;

(b) the purposes for which the said data has in fact been used since the last print-out supplied in accordance with this section; and

(c) the names and addresses of all recipients of all or part of the said data since the last print-out supplied in accordance with this section.

Applica-
tion for
amendment
or
expunging
of data

6.—(1) Any person who has received a print-out in accordance with section 5 may, after having notified the operator of the data bank of his objection, apply to the Registrar for an order that any or all of the data contained therein be amended or expunged on the ground that it is incorrect, unfair or out of date in the light of the purposes for which it is stored in the data bank.

Ancillary
order

(2) The Registrar may, if he grants an order under subsection 1, issue an ancillary order that all or any of the recipients of the said data be notified of the terms of the order.

Appeal

7. An appeal lies to the Court of Appeal from any decision made by the Registrar under this Act.

Liability
for
damage

8. An operator of a data bank to which this Act applies who causes or permits inaccurate personal data to be supplied from the data bank as a result of which the person to whom the data refers suffers loss, shall be liable in damages to such person.

Offence

9.—(1) Every person who fails to furnish to the Registrar any information that he is required to furnish under this Act in respect of a data bank is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for not more than five years, or to both.

Idem

(2) Where the operator of a data bank to which section 4 applies,

(a) fails or refuses to send a print-out when under a duty so to do;

(b) permits data stored in the data bank to be used for purposes other than those stated on the register;

(c) allows access to the said data to persons other than those entered on the register as having authorized access; or

(d) fails or refuses to comply with a decision of the Registrar,

he shall be liable in damages to the person whose personal data is involved and, where such acts or omissions are wilful, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for not more than five years, or to both.

(3) A person who aids, abets, counsels or procures the^{Idem} commission of an offence described in this section or with knowledge of its wrongful acquisition receives, uses, handles, sells or otherwise disposes of information obtained as a result of the commission of such an offence, shall likewise be guilty of the said offence.

10. The Minister, subject to the approval of the Lieutenant^{Regulations} Governor in Council, may make regulations,

- (a) prescribing the manner of keeping the register and the records referred to in sections 3 and 4;
- (b) regulating and governing access by the public to the register;
- (c) prescribing procedures for hearing objections and argument on a proposal to alter or expunge from the register under subsection 5 of section 3;
- (d) prescribing procedures on an application to alter the register under subsection 6 of section 3;
- (e) providing for verification of the identity of a person demanding a print-out under section 5.

11.—(1) The Registrar shall make an annual report to the^{Annual report} Minister in which he shall state,

- (a) the number of data banks entered on the register;
- (b) the number of data banks to which clauses *a*, *b* and *c* of subsection 1 of section 4 apply respectively;
- (c) the number of instances in which he has ordered entries to be amended under subsection 5 of section 3 and refused an application to alter an entry under subsection 6 of section 3; and
- (d) such additional information, statistical or otherwise, as he may think proper.

Tabling (2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.

**Commence-
ment** **12.** This Act comes into force on the first day of July, 1970.

Short title **13.** This Act may be cited as *The Data Surveillance Act, 1968-69*.

The Data Surveillance Act, 1968-69

1st Reading

June 10th, 1969

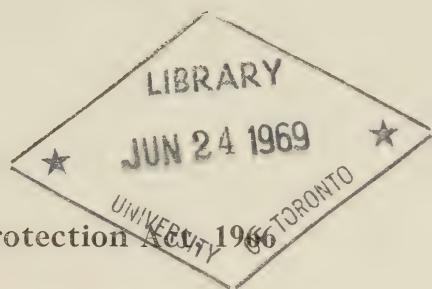
2nd Reading

3rd Reading

MR. REID (Scarborough East)

BILL 183

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Consumer Protection Act, 1966

MR. SHULMAN

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment frees recipients of any obligation to pay for or return unsolicited merchandise.

BILL 183

1968-69

**An Act to amend
The Consumer Protection Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act, 1966*, is amended by ^{1966, c. 23, amended} adding thereto the following section:

31a. Unless otherwise agreed, where unsolicited goods ^{Obligations of recipients of un-solicited goods} are mailed to a person, he has a right to accept delivery of such goods as a gift only, and is not bound to return such goods to the sender. If such unsolicited goods are either addressed to or intended for the recipient, he may use them or dispose of them in any manner without any obligation to the sender, and in any action for goods sold and delivered, or in any action for the return of the goods, it shall be a complete defense that the goods were mailed voluntarily and that the defendant did not actually order or request such goods, either orally or in writing.

2. This Act may be cited as *The Consumer Protection* ^{Short title} *Amendment Act, 1968-69*.

An Act to amend
The Consumer Protection Act, 1966

1st Reading

June 10th, 1969

2nd Reading

3rd Reading

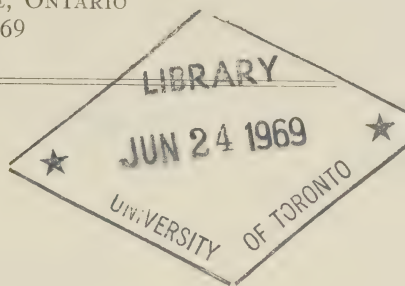
MR. SHULMAN

CA20N
KB
-B 56

BILL 184

Government
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Corporations Act

MR. WELCH

EXPLANATORY NOTE

Self-explanatory.

BILL 184

1968-69

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Corporations Act*, as re-enacted by R.S.O. 1960, c. 71, s. 11, section 1 of *The Corporations Amendment Act, 1961-62*, is (1961-62, c. 21, s. 1), amended by adding thereto the following subsection:

(2) Letters patent of incorporation, letters patent of Effective date of continuation, letters patent of amalgamation and letters patent, etc. supplementary letters patent, issued under this Act or any predecessor thereof, take effect on the date set forth therein.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. This Act may be cited as *The Corporations Amendment Act, 1968-69 (No. 2)*. Short title

An Act to amend The Corporations Act

1st Reading

June 11th, 1969

2nd Reading

3rd Reading

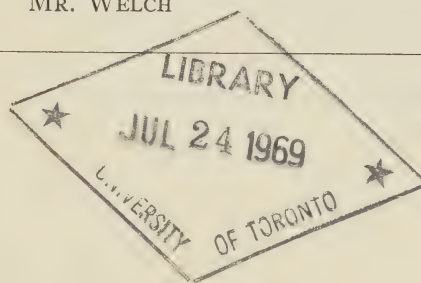
MR. WELCH

BILL 184

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Corporations Act

MR. WELCH



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 184

1968-69

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Corporations Act*, as re-enacted by R.S.O. 1960, section 1 of *The Corporations Amendment Act, 1961-62*, is ^{c. 71, s. 11} (1961-62, ^{c. 21, s. 1}), amended by adding thereto the following subsection:

(2) Letters patent of incorporation, letters patent of ^{Effective} continuation, letters patent of amalgamation and ^{date of} supplementary letters patent, issued under this Act ^{letters} or any predecessor thereof, take effect on the date ^{patent, etc.} set forth therein.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Corporations Amendment Act, 1968-69* (No. 2). ^{Short title}

An Act to amend The Corporations Act

1st Reading

June 11th, 1969

2nd Reading

June 19th, 1969

3rd Reading

June 27th, 1969

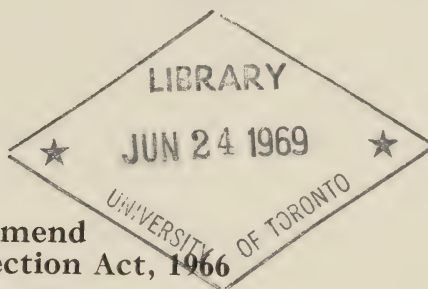
MR. WELCH

A20N
B
B56

Government
Publications

BILL 185

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Consumer Protection Act, 1966

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. The amendments are complementary to the other provisions of the Bill.

SECTION 2. The procedures for registration of itinerant sellers are revised to vest in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

BILL 185

1968-69

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966*,^{1966, c. 23, s. 1, amended} as amended by section 1 of *The Consumer Protection Amendment Act, 1967* and section 1 of *The Consumer Protection Amendment Act, 1968*, is further amended by adding thereto the following clauses:

(da) “Department” means the Department of Financial and Commercial Affairs;

.

(jb) “registered” means registered under this Act;

.

(na) “Tribunal” means The Commercial Registration^{1966, c. 41} Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

(2) The said section 1 is further amended by re-lettering^{1966, c. 23, s. 1, amended} clause *ia*, as enacted by subsection 4 of section 1 of *The Consumer Protection Amendment Act, 1967*, as clause *ib* and by adding thereto the following clause:

(ia) “Minister” means the Minister of Financial and Commercial Affairs.

(3) Clause *j* of the said section 1 is repealed and the fol-^{1966, c. 23, s. 1, cl. j, re-enacted} lowing substituted therefor:

(j) “prescribed” means prescribed by this Act or the regulations.

2. Part I of *The Consumer Protection Act, 1966* is repealed^{1966, c. 23, Part 1 (ss. 3-14), re-enacted} and the following substituted therefor:

PART I

REGISTRATION OF ITINERANT SELLERS

Duties of Registrar

3. The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Part under the supervision of the Director.

Registration required

- 4.—(1) No person shall carry on business as an itinerant seller unless he is registered by the Registrar under this Act.

Name and place of business

- (2) A registered itinerant seller shall not carry on business in a name other than the name in which he is registered or from a place of business other than that authorized by the registration.

Representation

- (3) No person shall publish or cause to be published in writing any representation that he is registered under this Act.

Granting of registration

- 5.—(1) An applicant is entitled to registration or renewal of registration except where,
- (a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;
 - (b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;
 - (c) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions of registration

- (2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Revocation

- 6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration.

(2) Notwithstanding subsection 1, the Registrar may ^{Voluntary}cancel a registration upon the request of the registrant in writing in the prescribed form surrendering his registration. ^{cancellation}

7.—(1) Where the Registrar refuses to issue or renew ^{Hearing by}a registration or applies to the Tribunal to suspend ^{Tribunal}or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

(2) The Tribunal shall fix a date for the hearing and shall ^{Notice of}serve notice of the hearing on the parties at least ^{hearing}ten days before the day fixed.

(3) The notice of hearing shall contain, Idem

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

8.—(1) The Registrar, the applicant or registrant and ^{Parties}any other person specified by the Tribunal are parties to the hearing.

(2) If a person who has been duly notified of a hearing ^{Failure}does not attend, the Tribunal may proceed in his ^{to attend}absence.

9.—(1) A hearing may be adjourned from time to ^{Adjourn-}time by the Tribunal on reasonable grounds, ^{ment}

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

- Subpoenas (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths (3) The Tribunal may require any person,
 (a) to give evidence on oath at a hearing; and
 (b) to produce such documents and things as the Tribunal requires.
- Idem (4) The Tribunal may admit evidence not given under oath.
- Offences (5) Any person who, without lawful excuse,
 (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
 (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
 (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,
 is guilty of an offence punishable under subsection 6.
- Enforcement (6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.
- Right of party to counsel 10. Any party may be represented before the Tribunal by counsel or agent.
- Right of witness to counsel 11.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel
12. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing
- 13.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions
- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,
- in which case the Tribunal shall hold the hearing as to any such matters *in camera*.
- (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem
14. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits
- 14a.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge
- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice
- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. Contents and service of notice
- 14b. All oral evidence received by the Tribunal shall be taken down in writing and together with, Record
- (a) the notice of hearing;

- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record.

Decision
of Tribunal

14c.—(1) The Tribunal may, after the hearing,

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision
to be in
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of
reasons for
decision

(3) The reasons for the final decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of
decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforce-
ment of
decisions

14d. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court where-

upon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

- 14e.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. ^{Appeal to Court of Appeal}
- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. ^{Counsel}
- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. ^{Decision of court}
- (4) The decision of the Court of Appeal is final. ^{Idem}
- 14f. An order of the Tribunal refusing to renew or suspend or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. ^{Stay}
- 14g. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. ^{Further applications}
- 14h.—(1) Where the Registrar receives a complaint in respect of an itinerant seller and so requests in writing, the itinerant seller shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. ^{Investigation of complaints}
- (2) The request under subsection 1 shall indicate the general nature of the inquiry involved. ^{Idem}
- (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the itinerant seller to make an inspection in relation to the complaint. ^{Idem}

- Inspection 14*i*.—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of a registered itinerant seller to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.
- Idem (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as an itinerant seller while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4.
- Powers on inspection 14*j*.—(1) Upon an inspection under section 14*h* or 14*i*, the person inspecting,
- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
 - (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,
- and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.
- Admissibility of copies (2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.
- Notice of changes 14*k*.—(1) Every itinerant seller shall, within five days after the event, notify the Registrar in writing of,
- (a) any change in his address for service;

(b) any change in the officers in the case of a corporation or of the members in the case of a partnership.

(2) The Registrar shall be deemed to be notified under subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing. ^{Idem}

14l. Every itinerant seller shall, when required by the Registrar, file a financial statement showing the matters specified by the Registrar and signed by the itinerant seller and certified by a person licensed under *The Public Accountancy Act*. ^{Financial statements}
R.S.O. 1960,
c. 317

14m.—(1) Any notice or order required to be given or served under this Part or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. ^{Service}

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. ^{Idem}

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. ^{Exception}

14n.—(1) Where it appears to the Director that any person does not comply with any provision of this Part, the regulations or an order made under this Part, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit. ^{Restraining orders}

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. ^{Appeal}

14o.—(1) Every person who, ^{Offences}

(a) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part or the regulations;

- (b) fails to comply with any order, direction or other requirement made under this Part or section 31,

is guilty of an offence punishable under section 32, but no proceeding under clause *a* shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Certificate
as evidence

- (2) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

1966,
c. 23, s. 31,
re-enacted

3. Section 31 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

False
advertising

31. Where, in the opinion of the Registrar, any seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 14e apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

1966, c. 23,
s. 32a
(1968,
c. 17, s. 5),
repealed

4. Section 32a of *The Consumer Protection Act, 1966*, as enacted by section 5 of *The Consumer Protection Amendment Act, 1968*, is repealed.

SECTION 3. The amendment is complementary to section 2 of the Bill.

SECTION 4. The provision repealed gives protection to the Director and Registrar against civil actions. The subject-matter is included in a companion Bill entitled *An Act to amend The Department of Financial and Commercial Affairs Act, 1966*.

SECTION 5. The amendments to the regulation section are complementary to other provisions in the Bill.

5.—(1) Clause *a* of section 33 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor: 1966, c. 23,
s. 33, cl. *a*,
re-enacted

- (a) governing applications for registration or renewal of registration of itinerant sellers and prescribing terms and conditions of registration;
- (ab) requiring itinerant sellers to make returns and furnish information to the Registrar;
- (ac) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (ad) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

(2) Clause *i* of the said section 33 is repealed and the following substituted therefor: 1966, c. 23,
s. 33, cl. *i*,
re-enacted

- (i) prescribing forms for the purposes of this Act and providing for their use;
- (ia) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

7. This Act may be cited as *The Consumer Protection Amendment Act, 1968-69*. Short title

An Act to amend
The Consumer Protection Act, 1966

1st Reading

June 12th, 1969

2nd Reading

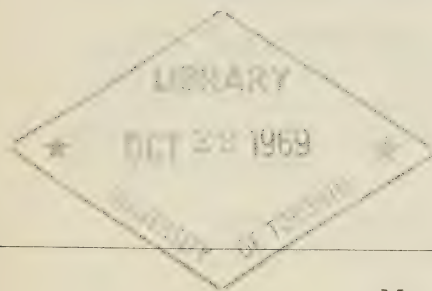
3rd Reading

MR. ROWNTREE

BILL 185

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Consumer Protection Act, 1966**



MR. ROWNTREE

(Reprinted as amended by the Legal and Municipal Committee)

EXPLANATORY NOTES

SECTION 1. The amendments are complementary to the other provisions of the Bill.

SECTION 2. The procedures for registration of itinerant sellers are revised to vest in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

BILL 185

1968-69

**An Act to amend
The Consumer Protection Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966*,^{1966, c. 23, s. 1, amended} as amended by section 1 of *The Consumer Protection Amendment Act, 1967* and section 1 of *The Consumer Protection Amendment Act, 1968*, is further amended by adding thereto the following clauses:

(da) “Department” means the Department of Financial and Commercial Affairs;

.

(jb) “registered” means registered under this Act;

.

(na) “Tribunal” means The Commercial Registration^{1966, c. 41} Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

(2) The said section 1 is further amended by re-lettering^{1966, c. 23, s. 1, amended} clause *ia*, as enacted by subsection 4 of section 1 of *The Consumer Protection Amendment Act, 1967*, as clause *ib* and by adding thereto the following clause:

(ia) “Minister” means the Minister of Financial and Commercial Affairs.

(3) Clause *j* of the said section 1 is repealed and the fol-^{1966, c. 23, s. 1, cl. j, re-enacted} lowing substituted therefor:

(j) “prescribed” means prescribed by this Act or the regulations.

2. Part I of *The Consumer Protection Act, 1966* is repealed^{1966, c. 23, Part I (ss. 3-14), re-enacted} and the following substituted therefor:

PART I

REGISTRATION OF ITINERANT SELLERS

Duties of
Registrar

3. The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Part under the supervision of the Director.

Registra-
tion
required

- 4.—(1) No person shall carry on business as an itinerant seller unless he is registered by the Registrar under this Act.

Name and
place of
business

- (2) A registered itinerant seller shall not carry on business in a name other than the name in which he is registered or from a place of business other than that authorized by the registration.

Representa-
tion

- (3) No person shall publish or cause to be published in writing any representation that he is registered under this Act.

Granting
of reg-
istration

- 5.—(1) An applicant is entitled to registration or renewal of registration except where,

(a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

(c) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions
of reg-
istration

- (2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Revocation

- 6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration.

- (2) Notwithstanding subsection 1, the Registrar may ^{Voluntary cancellation} cancel a registration upon the request of the registrant in writing in the prescribed form surrendering his registration.
- 7.—(1) Where the Registrar refuses to issue or renew ^{Hearing by Tribunal} a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.
- (2) The Tribunal shall fix a date for the hearing and shall ^{Notice of hearing} serve notice of the hearing on the parties at least ten days before the day fixed.
- (3) The notice of hearing shall contain, Idem
- (a) a statement of the time and place of the hearing;
 - (b) a statement of the statutory power under which the hearing is being held;
 - (c) a reference to the rules of procedure applicable to the hearing;
 - (d) a concise statement of the issues; and
 - (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.
- 8.—(1) The Registrar, the applicant or registrant and ^{Parties} any other person specified by the Tribunal are parties to the hearing.
- (2) If a person who has been duly notified of a hearing ^{Failure to attend} does not attend, the Tribunal may proceed in his absence.
- 9.—(1) A hearing may be adjourned from time to ^{Adjournment} time by the Tribunal on reasonable grounds,
- (a) on its own motion; or
 - (b) on the motion of any party to the hearing.

- | | |
|-----------------------------|---|
| Subpoenas | (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness. |
| Oaths | (3) The Tribunal may require any person, <ul style="list-style-type: none"> (a) to give evidence on oath at a hearing; and (b) to produce such documents and things as the Tribunal requires. |
| Idem | (4) The Tribunal may admit evidence not given under oath. |
| Offences | (5) Any person who, without lawful excuse, <ul style="list-style-type: none"> (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court, <p style="padding-left: 40px;">is guilty of an offence punishable under subsection 6.</p> |
| Enforcement | (6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. |
| Right of party to counsel | 10. Any party may be represented before the Tribunal by counsel or agent. |
| Right of witness to counsel | 11.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. |

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel
12. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing
- 13.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions
- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,
- in which case the Tribunal shall hold the hearing as to any such matters *in camera*.
- (2) Notwithstanding the exceptions mentioned in clauses Idem *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.
14. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits
- 14a.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge
- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice
- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. Contents and service of notice
- 14b. All oral evidence received by the Tribunal shall be taken down in writing and together with, Record
- (a) the notice of hearing;

(b) any rulings or orders made in the course of the proceedings of the Tribunal;

(c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,

form the record.

Decision
of Tribunal

14c.—(1) The Tribunal may, after the hearing,

(a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;

(b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision
to be in
writing

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of
reasons for
decision

(3) The reasons for the final decision shall contain,

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of
decision

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Enforce-
ment of
decisions

14d. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court where-

upon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

- 14e.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court. ^{Appeal to Court of Appeal}
- (2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section. ^{Counsel}
- (3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. ^{Decision of court}
- (4) The decision of the Court of Appeal is final. ^{Idem}
- 14f. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final. ^{Stay}
- 14g. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. ^{Further applications}
- 14h.—(1) Where the Registrar receives a complaint in respect of an itinerant seller and so requests in writing, the itinerant seller shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires. ^{Investigation of complaints}
- (2) The request under subsection 1 shall indicate the general nature of the inquiry involved. ^{Idem}
- (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time enter upon the business premises of the itinerant seller to make an inspection in relation to the complaint. ^{Idem}

Inspection

14*i*.—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of a registered itinerant seller to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as an itinerant seller while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4.

Powers on inspection

14*j*.—(1) Upon an inspection under section 14*h* or 14*i*, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

Notice of changes

14*k*.—(1) Every itinerant seller shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service;

- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership.
- (2) The Registrar shall be deemed to be notified under ^{Idem} subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.
- 14l. Every itinerant seller shall, when required by the Registrar ^{Financial statements} with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the itinerant seller and certified by a person licensed under *The Public Accountancy Act*. ^{R.S.O. 1960, c. 317}
- 14m.—(1) Any notice or order required to be given or served under this Part or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. ^{Service}
- (2) Where service is made by registered mail, the service ^{Idem} shall be deemed to be made on the third day after the day of mailing.
- (3) Notwithstanding subsections 1 and 2, the Tribunal ^{Exception} may order any other method of service in respect of any matter before the Tribunal.
- 14n.—(1) Where it appears to the Director that any person does not comply with any provision of this Part, the regulations or an order made under this Part, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit. ^{Restraining orders}
- (2) An appeal lies to the Court of Appeal from an order ^{Appeal} made under subsection 1.
- 14o.—(1) Every person who, ^{Offences}
- (a) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part or the regulations;

- (b) fails to comply with any order, direction or other requirement made under this Part or section 31,

is guilty of an offence punishable under section 32, but no proceeding under clause *a* shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Certificate
as evidence

- (2) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

1966,
c. 23, s. 31,
re-enacted

3. Section 31 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

False
advertising

31. Where, in the opinion of the Registrar, any seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 14~~e~~ apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

1966, c. 23,
s. 32~~a~~
(1968,
c. 17, s. 5),
repealed

4. Section 32~~a~~ of *The Consumer Protection Act, 1966*, as enacted by section 5 of *The Consumer Protection Amendment Act, 1968*, is repealed.

SECTION 3. The amendment is complementary to section 2 of the Bill.

SECTION 4. The provision repealed gives protection to the Director and Registrar against civil actions. The subject-matter is included in a companion Bill entitled *An Act to amend The Department of Financial and Commercial Affairs Act, 1966*.

SECTION 5. The amendments to the regulation section are complementary to other provisions in the Bill.

5.—(1) Clause *a* of section 33 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 23,
s. 33, cl. *a*,
re-enacted</sup>

- (a) governing applications for registration or renewal of registration of itinerant sellers and prescribing terms and conditions of registration;
- (ab) requiring itinerant sellers to make returns and furnish information to the Registrar;
- (ac) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (ad) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

(2) Clause *i* of the said section 33 is repealed and the following substituted therefor: <sup>1966, c. 23,
s. 33, cl. *i*,
re-enacted</sup>

- (i) prescribing forms for the purposes of this Act and providing for their use;
- (ia) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

6. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force. <sup>Unfinished
proceedings</sup>

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

8. This Act may be cited as *The Consumer Protection Amendment Act, 1968-69*. ^{Short title}

An Act to amend
The Consumer Protection Act, 1966

1st Reading

June 12th, 1969

2nd Reading

September 30th, 1969

3rd Reading

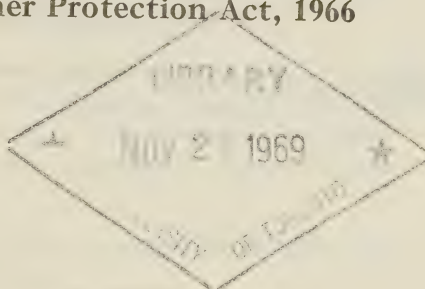
MR. ROWNTREE

(Reprinted as amended by
the Legal and Municipal Committee)

BILL 185

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Consumer Protection Act, 1966**



MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendments are complementary to the other provisions of the Bill.

SECTION 2. The procedures for registration of itinerant sellers are revised to vest in The Commercial Registration Appeal Tribunal all hearings concerning registration with appeals to the Court of Appeal.

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966*,^{1966, c. 23, s. 1,} as amended by section 1 of *The Consumer Protection Amendment Act, 1967* and section 1 of *The Consumer Protection Amendment Act, 1968*, is further amended by adding thereto the following clauses:

(da) “Department” means the Department of Financial and Commercial Affairs;

.

(jb) “registered” means registered under this Act;

.

(na) “Tribunal” means The Commercial Registration^{1966, c. 41} Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

(2) The said section 1 is further amended by re-lettering^{1966, c. 23, s. 1,} clause *ia*, as enacted by subsection 4 of section 1 of *The Consumer Protection Amendment Act, 1967*, as clause *ib* and by adding thereto the following clause:

(ia) “Minister” means the Minister of Financial and Commercial Affairs.

(3) Clause *j* of the said section 1 is repealed and the following substituted therefor:^{1966, c. 23, s. 1, cl. j, re-enacted}

(j) “prescribed” means prescribed by this Act or the regulations.

2. Part I of *The Consumer Protection Act, 1966* is repealed^{1966, c. 23, Part I, (ss. 3-14), re-enacted} and the following substituted therefor:

PART I

REGISTRATION OF ITINERANT SELLERS

Duties of
Registrar

3. The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Part under the supervision of the Director.

Registra-
tion
required

- 4.—(1) No person shall carry on business as an itinerant seller unless he is registered by the Registrar under this Act.

Name and
place of
business

- (2) A registered itinerant seller shall not carry on business in a name other than the name in which he is registered or from a place of business other than that authorized by the registration.

Representa-
tion

- (3) No person shall publish or cause to be published in writing any representation that he is registered under this Act.

Granting
of reg-
istration

- 5.—(1) An applicant is entitled to registration or renewal of registration except where,

(a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

(c) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions
of reg-
istration

- (2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Revocation

- 6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration.

- (2) Notwithstanding subsection 1, the Registrar may ^{Voluntary cancellation} cancel a registration upon the request of the registrant in writing in the prescribed form surrendering his registration.

- 7.—(1) Where the Registrar refuses to issue or renew ^{Hearing by Tribunal} a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

- (2) Where the Registrar refuses to renew a registration, ^{Stay of refusal to renew} the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

- (3) The Tribunal shall fix a date for the hearing and shall ^{Notice of hearing} serve notice of the hearing on the parties at least ten days before the day fixed.

- (4) The notice of hearing shall contain, ^{Idem}

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

- 8.—(1) The Registrar, the applicant or registrant and ^{Parties} any other person specified by the Tribunal are parties to the hearing.
- (2) If a person who has been duly notified of a hearing ^{Failure to attend} does not attend, the Tribunal may proceed in his absence.
- 9.—(1) A hearing may be adjourned from time to ^{Adjournment} time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
 - (b) on the motion of any party to the hearing.
- Subpoenas (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths (3) The Tribunal may require any person,
 - (a) to give evidence on oath at a hearing; and
 - (b) to produce such documents and things as the Tribunal requires.
- Objection re self-incrimination (4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.
- R.S.O. 1960, c. 125
R.S.C. 1952, c. 307
- Unsworn testimony (5) The Tribunal may admit evidence not given under oath.
- Offences (6) Any person who, without lawful excuse,
 - (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
 - (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
 - (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.
- Enforcement (7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.
- Right of party to counsel 10. Any party may be represented before the Tribunal by counsel or agent.

- 11.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel
- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel
12. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing
- 13.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions
- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,
- in which case the Tribunal shall hold the hearing as to any such matters *in camera*.
- (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem
14. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits
- 14a.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge
- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice
- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. Contents and service of notice

Record

14*b*. All oral evidence received by the Tribunal shall be taken down in writing and together with,

- (*a*) the notice of hearing;
 - (*b*) any rulings or orders made in the course of the proceedings of the Tribunal;
 - (*c*) any written submissions received by the Tribunal; and
 - (*d*) the decision and the reasons therefor,
- form the record.

Decision
of Tribunal

14*c*.—(1) The Tribunal may, after the hearing,

- (*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
- (*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision
to be in
writing

- (2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of
reasons for
decision

- (3) The reasons for the final decision shall contain,
 - (*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (*b*) any agreed findings of facts; and
 - (*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of
decision

- (4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

- 14d. A certified copy of the final decision of the Tribunal, ^{Enforce-}
 exclusive of the reasons therefor, may be filed in the ^{ment of}
 office of the Registrar of the Supreme Court where-
 upon it shall be entered in the same way as a judg-
 ment or order of that court and is enforceable as
 such.
- 14e.—(1) Any party to the hearing before the Tribunal ^{Appeal to}
 may appeal from the decision of the Tribunal to ^{Court of}
 the Court of Appeal and the practice and procedure ^{Appeal}
 as to the appeal and proceedings incidental thereto
 are the same *mutatis mutandis* as upon an appeal
 from the High Court.
- (2) The Minister may designate counsel to assist the ^{Counsel}
 court upon the hearing of an appeal under this
 section.
- (3) An appeal under this section may be made on ^{Decision}
 questions of law or fact or both and the court may ^{of court}
 confirm or alter the decision of the Tribunal or direct
 the Registrar or the Tribunal to do any act the
 Registrar or the Tribunal is authorized to do under
 this Act and as the court considers proper, and the
 court may substitute its opinion for that of the
 Registrar and the Tribunal and may exercise the
 same powers as it exercises on an appeal from a
 judge of the High Court sitting without a jury.
- (4) The decision of the Court of Appeal is final. ^{Idem}
- 14f. An order of the Tribunal refusing to renew or sus- ^{Stay}
 pending or revoking a registration shall take effect
 immediately, but the Tribunal may grant a stay
 until the order becomes final.
- 14g. A further application for registration may be made ^{Further}
 upon new or other evidence or where it is clear that ^{applications}
 material circumstances have changed.
- 14h.—(1) Where the Registrar receives a complaint in ^{Investiga-}
 respect of an itinerant seller and so requests in ^{tion of}
 writing, the itinerant seller shall furnish the Reg-
 istrar with such information respecting the matter ^{complaints}
 complained of as the Registrar requires.
- (2) The request under subsection 1 shall indicate the ^{Idem}
 nature of the inquiry involved.
- (3) For the purposes of subsection 1, the Registrar or ^{Idem}
 any person designated in writing by him may at
 any reasonable time enter upon the business premises
 of the itinerant seller to make an inspection in
 relation to the complaint.

Inspection

14*i*.—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of a registered itinerant seller to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as an itinerant seller while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4.

Powers on inspection

14*j*.—(1) Upon an inspection under section 14*h* or 14*i*, the person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

Notice of changes

14*k*.—(1) Every itinerant seller shall, within five days after the event, notify the Registrar in writing of,

(a) any change in his address for service;

- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership.
- (2) The Registrar shall be deemed to be notified under ^{Idem} subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.
- 14l.—(1) Every itinerant seller shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the itinerant seller and certified by a person licensed under *The Public Accountancy Act*. ^{Financial statements R.S.O. 1960, c. 317}
- (2) The information contained in a financial statement ^{Statement confidential} filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.
- 14m.—(1) Any notice or order required to be given or served under this Part or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. ^{Service}
- (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. ^{Idem}
- (3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. ^{Exception}
- 14n.—(1) Where it appears to the Director that any person does not comply with any provision of this Part, the regulations or an order made under this Part, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit. ^{Restraining orders}
- (2) An appeal lies to the Court of Appeal from an order made under subsection 1. ^{Appeal}

Offences

140.—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Part or section 31,

is guilty of an offence punishable under section 32, but no proceeding under clause *a* shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Certificate
as evidence

(2) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

1966,
c. 23, s. 31,
re-enacted

3. Section 31 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

False
advertising

31. Where, in the opinion of the Registrar, any seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 14e apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

SECTION 3. The amendment is complementary to section 2 of the Bill.

SECTION 4. The provision repealed gives protection to the Director and Registrar against civil actions. The subject-matter is included in a companion Bill entitled *An Act to amend The Department of Financial and Commercial Affairs Act, 1966*.

SECTION 5. The amendments to the regulation section are complementary to other provisions in the Bill.

4. Section 32a of *The Consumer Protection Act, 1966*, as enacted by section 5 of *The Consumer Protection Amendment Act, 1968*, is repealed. 1966, c. 23, s. 32a (1968, c. 17, s. 5), repealed

5.—(1) Clause a of section 33 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor: 1966, c. 23, s. 33, cl. a, re-enacted

- (a) governing applications for registration or renewal of registration of itinerant sellers and prescribing terms and conditions of registration;
- (ab) requiring itinerant sellers to make returns and furnish information to the Registrar;
- (ac) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (ad) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

(2) Clause i of the said section 33 is repealed and the following substituted therefor: 1966, c. 23, s. 33, cl. i, re-enacted

- (i) prescribing forms for the purposes of this Act and providing for their use;
- (ia) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

6. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force. Unfinished proceedings

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

8. This Act may be cited as *The Consumer Protection Amendment Act, 1968-69*. Short title

An Act to amend
The Consumer Protection Act, 1966

1st Reading

June 12th, 1969

2nd Reading

September 30th, 1969

3rd Reading

MR. ROWNTREE

(Reprinted as amended by
the Committee of the Whole House)

BILL 185

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Consumer Protection Act, 1966**

MR. ROWNTREE



BILL 185

1968-69

An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Consumer Protection Act, 1966*, ^{1966, c. 23, s. 1, amended} as amended by section 1 of *The Consumer Protection Amendment Act, 1967* and section 1 of *The Consumer Protection Amendment Act, 1968*, is further amended by adding thereto the following clauses:

(da) “Department” means the Department of Financial and Commercial Affairs;

.

(jb) “registered” means registered under this Act;

.

(na) “Tribunal” means The Commercial Registration ^{1966, c. 41} Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

(2) The said section 1 is further amended by relettering ^{1966, c. 23, s. 1, amended} clause *ia*, as enacted by subsection 4 of section 1 of *The Consumer Protection Amendment Act, 1967*, as clause *ib* and by adding thereto the following clause:

(ia) “Minister” means the Minister of Financial and Commercial Affairs.

(3) Clause *j* of the said section 1 is repealed and the fol- ^{1966, c. 23, s. 1, cl. j, re-enacted} lowing substituted therefor:

(j) “prescribed” means prescribed by this Act or the regulations.

2. Part I of *The Consumer Protection Act, 1966* is repealed ^{1966, c. 23, Part I (ss. 3-14), re-enacted} and the following substituted therefor:

PART I

REGISTRATION OF ITINERANT SELLERS

Duties of
Registrar

3. The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Part under the supervision of the Director.

Registra-
tion
required

- 4.—(1) No person shall carry on business as an itinerant seller unless he is registered by the Registrar under this Act.

Name and
place of
business

- (2) A registered itinerant seller shall not carry on business in a name other than the name in which he is registered or from a place of business other than that authorized by the registration.

Representa-
tion

- (3) No person shall publish or cause to be published in writing any representation that he is registered under this Act.

Granting
of reg-
istration

- 5.—(1) An applicant is entitled to registration or renewal of registration except where,

(a) his financial responsibility or record of past conduct is such that it would not be in the public interest for the registration or renewal to be granted;

(b) where the applicant is a corporation, its financial responsibility or the record of past conduct of the corporation or its officers or directors is such that it would not be in the public interest for the registration or renewal to be granted;

(c) the applicant is or proposes to be in contravention of this Act or the regulations.

Conditions
of reg-
istration

- (2) A registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Revocation

- 6.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 5 if he were an applicant, or where the registrant is in breach of a condition of the registration.

- (2) Notwithstanding subsection 1, the Registrar may ^{Voluntary cancellation} cancel a registration upon the request of the registrant in writing in the prescribed form surrendering his registration.

7.—(1) Where the Registrar refuses to issue or renew ^{Hearing by Tribunal} a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

- (2) Where the Registrar refuses to renew a registration, ^{Stay of refusal to renew} the applicant shall be deemed to continue to be registered until an order is made by the Tribunal or until the time for requiring a hearing by the Tribunal expires, whichever occurs first.

- (3) The Tribunal shall fix a date for the hearing and shall ^{Notice of hearing} serve notice of the hearing on the parties at least ten days before the day fixed.

- (4) The notice of hearing shall contain, Idem

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

- 8.—(1) The Registrar, the applicant or registrant and ^{Parties} any other person specified by the Tribunal are parties to the hearing.

- (2) If a person who has been duly notified of a hearing ^{Failure to attend} does not attend, the Tribunal may proceed in his absence.

- 9.—(1) A hearing may be adjourned from time to ^{Adjournment} time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
 - (b) on the motion of any party to the hearing.
- Subpoenas (2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.
- Oaths (3) The Tribunal may require any person,
 - (a) to give evidence on oath at a hearing; and
 - (b) to produce such documents and things as the Tribunal requires.
- Objection re self-incrimination (4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

R.S.O. 1960, c. 125
R.S.C. 1952, c. 307
- Unsworn testimony (5) The Tribunal may admit evidence not given under oath.
- Offences (6) Any person who, without lawful excuse,
 - (a) on being duly summoned as a witness before the Tribunal, makes default in attending; or
 - (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
 - (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.
- Enforcement (7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.
- Right of party to counsel 10. Any party may be represented before the Tribunal by counsel or agent.

- 11.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel
- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel
12. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Right of parties at hearing
- 13.—(1) All hearings shall be open to the public except where the Tribunal finds that, Hearings to be open to public; exceptions
- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,
- in which case the Tribunal shall hold the hearing as to any such matters *in camera*.
- (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem
14. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of exhibits
- 14a.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. Specialized knowledge
- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. Notice
- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. Contents and service of notice

Record

- 14*b*. All oral evidence received by the Tribunal shall be taken down in writing and together with,
- (*a*) the notice of hearing;
 - (*b*) any rulings or orders made in the course of the proceedings of the Tribunal;
 - (*c*) any written submissions received by the Tribunal; and
 - (*d*) the decision and the reasons therefor,
- form the record.

Decision of Tribunal

- 14*c*.—(1) The Tribunal may, after the hearing,
- (*a*) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar;
 - (*b*) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

Decision to be in writing

- (2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Contents of reasons for decision

- (3) The reasons for the final decision shall contain,
 - (*a*) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (*b*) any agreed findings of facts; and
 - (*c*) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of decision

- (4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

- 14d. A certified copy of the final decision of the Tribunal, ^{Enforcement of decisions} exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.
- 14e.—(1) Any party to the hearing before the Tribunal ^{Appeal to Court of Appeal} may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.
- (2) The Minister may designate counsel to assist the ^{Counsel} court upon the hearing of an appeal under this section.
- (3) An appeal under this section may be made on ^{Decision of court} questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.
- (4) The decision of the Court of Appeal is final. ^{Idem}
- 14f. An order of the Tribunal refusing to renew or suspend or revoking a registration shall take effect immediately, but the Tribunal may grant a stay ^{Stay} until the order becomes final.
- 14g. A further application for registration may be made ^{Further applications} upon new or other evidence or where it is clear that material circumstances have changed.
- 14h.—(1) Where the Registrar receives a complaint in ^{Investigation of complaints} respect of an itinerant seller and so requests in writing, the itinerant seller shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.
- (2) The request under subsection 1 shall indicate the ^{Idem} nature of the inquiry involved.
- (3) For the purposes of subsection 1, the Registrar or ^{Idem} any person designated in writing by him may at any reasonable time enter upon the business premises of the itinerant seller to make an inspection in relation to the complaint.

- Inspection 14*i*.—(1) The Registrar or any person designated by him in writing, may at any reasonable time enter upon the business premises of a registered itinerant seller to make an inspection to ensure that the provisions of this Act and the regulations relating to registration and the maintenance of trust accounts are being complied with.
- Idem (2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as an itinerant seller while unregistered, the Registrar or any person designated by him in writing, may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 4.
- Powers on inspection 14*j*.—(1) Upon an inspection under section 14*h* or 14*i*, the person inspecting,
- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and
 - (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,
- and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.
- Admissibility of copies (2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.
- Notice of changes 14*k*.—(1) Every itinerant seller shall, within five days after the event, notify the Registrar in writing of,
- (a) any change in his address for service;

- (b) any change in the officers in the case of a corporation or of the members in the case of a partnership.
- (2) The Registrar shall be deemed to be notified under ^{Idem} subsection 1 on the day on which he is actually notified or, where the notification is by mail, on the day of mailing.
- 14l.—(1) Every itinerant seller shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matters specified by the Registrar and signed by the itinerant seller and certified by a person licensed under *The Public Accountancy Act*. ^{Financial statements R.S.O. 1960 c. 317}
- (2) The information contained in a financial statement ^{Statement confidential} filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.
- 14m.—(1) Any notice or order required to be given or ^{Service} served under this Part or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.
- (2) Where service is made by registered mail, the service ^{Idem} shall be deemed to be made on the third day after the day of mailing.
- (3) Notwithstanding subsections 1 and 2, the Tribunal ^{Exception} may order any other method of service in respect of any matter before the Tribunal.
- 14n.—(1) Where it appears to the Director that any person does not comply with any provision of this Part, the regulations or an order made under this Part, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit. ^{Restraining orders}
- (2) An appeal lies to the Court of Appeal from an order ^{Appeal} made under subsection 1.

Offences

14*o*.—(1) Every person who, knowingly,

- (a) furnishes false information in any application under this Part or in any statement or return required to be furnished under this Part or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Part or section 31,

is guilty of an offence punishable under section 32, but no proceeding under clause *a* shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Certificate
as evidence

(2) A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing, or to any such person, document or material,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

1966,
c. 23, s. 31,
re-enacted

3. Section 31 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor:

False
advertising

31. Where, in the opinion of the Registrar, any seller or lender is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material and sections 7 to 14*e* apply to the order in the same manner as to a decision of the Registrar refusing registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

4. Section 32a of *The Consumer Protection Act, 1966*, as enacted by section 5 of *The Consumer Protection Amendment Act, 1968*, is repealed. 1966, c. 23, s. 32a (1968, c. 17, s. 5), repealed

5.—(1) Clause *a* of section 33 of *The Consumer Protection Act, 1966* is repealed and the following substituted therefor: 1966, c. 23, s. 33, cl. a, re-enacted

- (a) governing applications for registration or renewal of registration of itinerant sellers and prescribing terms and conditions of registration;
- (ab) requiring itinerant sellers to make returns and furnish information to the Registrar;
- (ac) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (ad) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

(2) Clause *i* of the said section 33 is repealed and the following substituted therefor: 1966, c. 23, s. 33, cl. i, re-enacted

- (i) prescribing forms for the purposes of this Act and providing for their use;
- (ia) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

6. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force. Unfinished proceedings

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

8. This Act may be cited as *The Consumer Protection Amendment Act, 1968-69*. Short title

An Act to amend
The Consumer Protection Act, 1966

1st Reading

June 12th, 1969

2nd Reading

September 30th, 1969

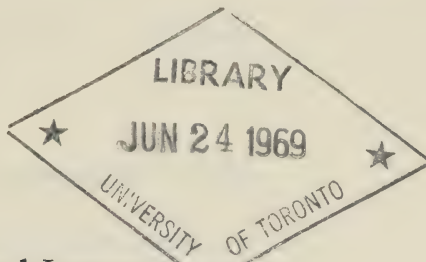
3rd Reading

October 31st, 1969

MR. ROWNTREE

BILL 186

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Local Improvement Act

MR. McKEOUGH

EXPLANATORY NOTE

The amendment requires all school boards to pay local improvement charges. Formerly such charges were not payable if the school board had jurisdiction only within the municipality undertaking the local improvement.

BILL 186

1968-69

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 61 of *The Local Improvement Act*, as re-enacted by section 1 of *The Local Improvement Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 223, s. 61
(1966,
c. 82, s. 1),
re-enacted

61. Land on which a church or place of worship is erected or that is used in connection therewith, the land of a university, college or seminary of learning, whether vested in a trustee or otherwise and the land of a board of an elementary or secondary school, as defined in *The Schools Administration Act*, is liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*.

Certain
lands
exempt
from
taxation
liable to be
specially
assessed
R.S.O. 1960,
cc. 361 23

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Local Improvement Amendment Act, 1968-69*.

Short title

An Act to amend
The Local Improvement Act

1st Reading

June 12th, 1969

2nd Reading

3rd Reading

MR. McKEOUGH

A20N
B
356

BILL 186

*Publications
Gover.*

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Local Improvement Act



MR. McKEOUGH

BILL 186

1968-69

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 61 of *The Local Improvement Act*, as re-enacted by section 1 of *The Local Improvement Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 223, s. 61
(1966,
c. 82, s. 1),
re-enacted

61. Land on which a church or place of worship is erected or that is used in connection therewith, the land of a university, college or seminary of learning, whether vested in a trustee or otherwise and the land of a board of an elementary or secondary school, as defined in *The Schools Administration Act*, is liable to be specially assessed for local improvements, notwithstanding the provisions of *The Assessment Act*.

Certain
lands
exempt
from
taxation
liable to be
specially
assessed
R.S.O. 1960,
cc. 361 23

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Local Improvement Amendment Act, 1968-69*.

Short title

An Act to amend
The Local Improvement Act

1st Reading

June 12th, 1969

2nd Reading

June 19th, 1969

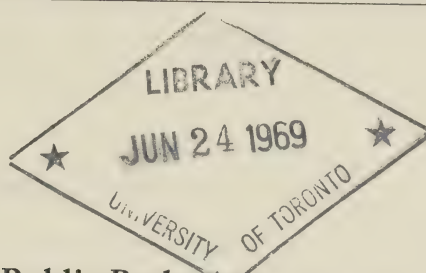
3rd Reading

June 27th, 1969

MR. McKEOUGH

BILL 187

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Public Parks Act

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The former subsection required a municipality to include in its estimates for park purposes at least the sum produced by a rate of one mill on the assessed value of all rateable property. The re-enacted subsection does not specify any minimum.

Subsections 2 and 3. The repealed subsections related to the minimum sum referred to in the note to subsection 1; they are redundant.

Subsection 4. The repealed subsections dealt with debentures issued under the Act; they will now be governed by the provisions of *The Municipal Act* relating to debentures.

Subsection 5. Complementary to subsection 4.

BILL 187

1968-69

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: R.S.O. 1960,
c. 329, s. 18,
subs. 3
(1961-62,
c. 119, s. 4,
subs. 1),
re-enacted;
subs. 4
(1961-62,
c. 119, s. 4,
subs. 1),
repealed

1.—(1) Subsections 3 and 4 of section 18 of *The Public Parks Act*, as re-enacted by subsection 1 of section 4 of *The Public Parks Amendment Act, 1961-62*, are repealed and the following substituted therefor: Estimates
for park
purposes

(3) The council may include in its estimates the sums estimated to be required by the board of park management under subsection 1, or such greater or lesser sums as the council may determine.

(2) Subsection 6 of the said section 18, as re-enacted by subsection 2 of section 4 of *The Public Parks Amendment Act, 1961-62*, is repealed. R.S.O. 1960,
c. 329, s. 18,
subs. 6
(1961-62,
c. 119, s. 4,
subs. 2),
repealed

(3) Subsection 7 of the said section 18, as amended by subsection 3 of section 4 of *The Public Parks Amendment Act, 1961-62*, is repealed. R.S.O. 1960,
c. 329, s. 18,
subs. 7,
repealed

(4) Subsections 8, 9, 10 and 11 of the said section 18 are repealed. R.S.O. 1960,
c. 329, s. 18,
subs. 8-11,
repealed

(5) Subsection 13 of the said section 18 is amended by striking out "save as to the amount required to be retained under subsection 11" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 329, s. 18,
subs. 13,
amended

(13) All money realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other money, and shall be deposited by him to the credit of the park fund, and shall be paid out by him on the orders of the board. Money,
applica-
tion of

2. This Act comes into force on the 1st day of January, 1970. Commence-
ment

3. This Act may be cited as *The Public Parks Amendment Act, 1968-69*. Short title

An Act to amend The Public Parks Act

1st Reading

June 12th, 1969

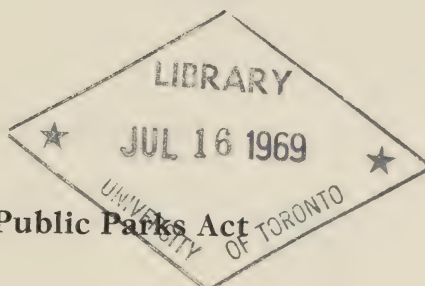
2nd Reading

3rd Reading

Mr. McKEOUGH

BILL 187

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Public Parks Act

MR. McKEOUGH

BILL 187

1968-69

An Act to amend The Public Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: R.S.O. 1960, c. 329, s. 18, subs. 3 (1961-62, c. 119, s. 4, subs. 1), re-enacted; subs. 4 (1961-62, c. 119, s. 4, subs. 1), repealed

1.—(1) Subsections 3 and 4 of section 18 of *The Public Parks Act*, as re-enacted by subsection 1 of section 4 of *The Public Parks Amendment Act, 1961-62*, are repealed and the following substituted therefor:

(3) The council may include in its estimates the sums estimated to be required by the board of park management under subsection 1, or such greater or lesser sums as the council may determine. Estimates for park purposes

(2) Subsection 6 of the said section 18, as re-enacted by subsection 2 of section 4 of *The Public Parks Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 329, s. 18, subs. 6 (1961-62, c. 119, s. 4, subs. 2), repealed

(3) Subsection 7 of the said section 18, as amended by subsection 3 of section 4 of *The Public Parks Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 329, s. 18, subs. 7, repealed

(4) Subsections 8, 9, 10 and 11 of the said section 18 are repealed. R.S.O. 1960, c. 329, s. 18, subs. 8-11, repealed

(5) Subsection 13 of the said section 18 is amended by striking out "save as to the amount required to be retained under subsection 11" in the fifth and sixth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 329, s. 18, subs. 13, amended

(13) All money realized or payable under this Act shall be received by the treasurer of the municipality in the same manner as other money, and shall be deposited by him to the credit of the park fund, and shall be paid out by him on the orders of the board. Money, application of

2. This Act comes into force on the 1st day of January, 1970. Commencement

3. This Act may be cited as *The Public Parks Amendment Act, 1968-69*. Short title

An Act to amend The Public Parks Act

1st Reading

June 12th, 1969

2nd Reading

June 19th, 1969

3rd Reading

June 27th, 1969

MR. McKEOUGH

A20N
B

CA20N
XB

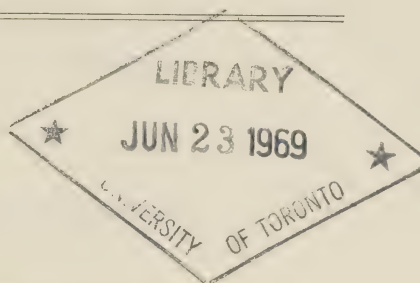
Publications

BILL 188

B 56

B 56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Municipal Corporations
Quieting Orders Act

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Act is amended to authorize the Ontario Municipal Board to make quieting orders without holding a public hearing.

BILL 188

1968-69

An Act to amend The Municipal Corporations Quieting Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 3, subs. 3, re-enacted

(3) Upon receipt of an application for a quieting order the secretary of the Board shall transmit one copy to the Department. Duplicate copy for Department

2. Section 4 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 4, re-enacted

4.—(1) Except as provided in subsections 2, 3 and 4, the Board before making any order under section 2 shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public hearing

(2) The Board may direct that the notice to be given shall state that anyone objecting to the making of a quieting order may, within such time from the giving of the notice as may be prescribed by the Board, file his objection to the making of the quieting order with the clerk of the municipality that has made the application, or on whose behalf the application has been made by the Department. Notice to provide for filing of objections

(3) Where notice has been given under subsection 2, the Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, make a quieting order respecting the municipality without holding a public hearing. Where no objection filed

Where
objections
filed

- (4) If one or more objections have been filed with the clerk within the time specified in the notice, the Board shall hold a public hearing unless, under all the circumstances affecting the matter, the Board deems the objection or, if more than one, all of the objections to be insufficient to require a public hearing.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Municipal Corporations Quieting Orders Amendment Act, 1968-69*.

An Act to amend
The Municipal Corporations
Quieting Orders Act

1st Reading

June 12th, 1969

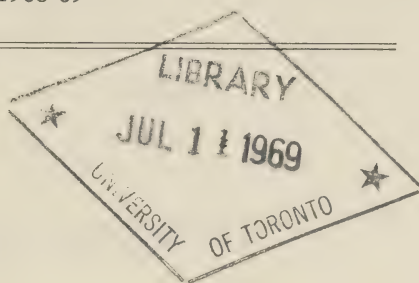
2nd Reading

3rd Reading

MR. McKEOUGH

BILL 188

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to amend The Municipal Corporations
Quieting Orders Act**

Mr. McKEOUGH

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Act is amended to authorize the Ontario Municipal Board to make quieting orders without holding a public hearing.

BILL 188

1968-69

An Act to amend The Municipal Corporations Quieting Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 3, subs. 3, re-enacted

- (3) Upon receipt of an application for a quieting order the secretary of the Board shall transmit one copy to the Department. Duplicate copy for Department

2. Section 4 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 4, re-enacted

- 4.—(1) Except as provided in subsections 2, 3 and 4, the Board before making any order under section 2 shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public hearing
- (2) The Board may direct that the notice to be given shall state that anyone objecting to the making of a quieting order may, within such time from the giving of the notice as may be prescribed by the Board, file his objection to the making of the quieting order with the clerk of the municipality that has made the application, or on whose behalf the application has been made by the Department. Notice to provide for filing of objections
- (3) Where notice has been given under subsection 2, the Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, make a quieting order respecting the municipality without holding a public hearing. Where no objection filed

Where
objections
filed

- (4) If one or more objections have been filed with the clerk within the time specified in the notice, the Board shall hold a public hearing.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Municipal Corporations Quieting Orders Amendment Act, 1968-69.*

An Act to amend
The Municipal Corporations
Quieting Orders Act

1st Reading

June 12th, 1969

2nd Reading

June 19th, 1969

3rd Reading

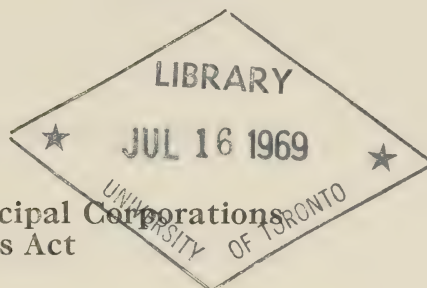
MR. McKEOUGH

(Reprinted as amended by
the Committee of the Whole House)

BILL 188

Government
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Municipal Corporations
Quieting Orders Act

MR. McKEOUGH

BILL 188

1968-69

An Act to amend The Municipal Corporations Quieting Orders Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 3 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 3, subs. 3, re-enacted

(3) Upon receipt of an application for a quieting order the secretary of the Board shall transmit one copy to the Department. Duplicate copy for Department

2. Section 4 of *The Municipal Corporations Quieting Orders Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 251, s. 4, re-enacted

4.—(1) Except as provided in subsections 2, 3 and 4, the Board before making any order under section 2 shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board. Public hearing

(2) The Board may direct that the notice to be given shall state that anyone objecting to the making of a quieting order may, within such time from the giving of the notice as may be prescribed by the Board, file his objection to the making of the quieting order with the clerk of the municipality that has made the application, or on whose behalf the application has been made by the Department. Notice to provide for filing of objections

(3) Where notice has been given under subsection 2, the Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, make a quieting order respecting the municipality without holding a public hearing. Where no objection filed

Where
objections
filed

- (4) If one or more objections have been filed with the clerk within the time specified in the notice, the Board shall hold a public hearing.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Municipal Corporations Quieting Orders Amendment Act, 1968-69*.

An Act to amend
The Municipal Corporations
Quieting Orders Act

1st Reading

June 12th, 1969

2nd Reading

June 19th, 1969

3rd Reading

June 27th, 1969

MR. McKEOUGH

BILL 189

Covers
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Moosonee
Development Area Board Act, 1966**



MR. McKEOUGH

EXPLANATORY NOTES

SECTION 1. Provision is made for the appointment of a secretary-treasurer for The Moosonee Development Area Board.

SECTION 2. The section is amended to clarify the powers of the Development Board as to the imposing of taxes or charges in respect of the purposes specified in Schedule B of the Act.

SECTION 3. The section authorizes the Development Board to acquire, develop and dispose of land for development purposes.

BILL 189

1968-69

An Act to amend The Moosonee Development Area Board Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Moosonee Development Area Board Act, 1966* is amended by adding thereto the following sub-^{1966, c. 89, s. 2, amended} section:

- (6) The Board shall appoint a secretary-treasurer who ^{Secretary-treasurer} may be a member of the Board, who shall hold office during pleasure and, with respect to the Development Area, has the powers and shall perform the duties of the clerk, treasurer and collector of a municipality.

2. Section 3 of *The Moosonee Development Area Board Act, 1966* is amended by inserting after "township" in the third and fourth lines "including, but without limiting the generality of the foregoing, the power to levy, impose and collect taxes and rates", so that the section shall read as follows:

3. For the purposes of every Act, the Board, in respect ^{Powers of Board} of the purposes specified in Schedule B, has, in the Development Area, all the powers and duties of the council of a township including, but without limiting the generality of the foregoing, the power to levy, impose and collect taxes and rates, and, when any such power or duty is exercised under any Act in respect of any of such purposes, the Act applies *mutatis mutandis*.

3. *The Moosonee Development Area Board Act, 1966* is ^{1966, c. 89, amended} amended by adding thereto the following section:

- 3a. In addition to the powers provided in section 3, ^{Further powers of Board} the Board may,

- (a) acquire and hold land within the Development Area for development purposes;
- (b) survey, clear, grade, subdivide and service such land; and
- (c) sell, lease or otherwise dispose of such land.

1966, c. 89,
Sched. A,
re-enacted

4. Schedule A to *The Moosonee Development Area Board Act, 1966* is repealed and the following substituted therefor:

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the District of Cochrane and Province of Ontario, being composed of the whole of the geographic townships of Caron, Horden and Moose, including the Moosonee Townsite, part of the right-of-way of the Ontario Northland Transportation Commission and part of the Moose River, which said parcel or tract of land may be more particularly described as follows:

COMMENCING at the southwest angle of the said Township of Horden;

THENCE due north astronomically along the west boundary of the said township being along the centre line of the allowance for road between the townships of Winnington and Horden as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 1-mile post;

THENCE North $0^{\circ} 00.7'$ East astronomically, continuing along the west boundary of the said Township of Horden being along the centre line of the road allowance between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 20 chains (1,320 feet);

THENCE due north astronomically continuing along the centre of the road allowance between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 300 chains (19,800 feet) to the 5-mile post;

THENCE North $0^{\circ} 00.5'$ East astronomically, continuing along the west boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 6-mile post;

THENCE due north astronomically continuing along the west boundary of the said Township of Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 7-mile post;

THENCE North $0^{\circ} 00.1'$ West astronomically, continuing along the west boundary of the said Township of Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40.0 chains (2,640 feet) to a post;

THENCE due north astronomically continuing along the west boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Winnington and Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet) to the 8-mile post;

SECTION 4. The Moosonee Development Area is enlarged.

THENCE North $0^{\circ} 00.4'$ West astronomically continuing along the west boundary of the said Township of Horden, being along the centre of the allowance for road between the townships of Winnington and Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80 chains (5,280 feet) to the northwest angle of the said Township of Horden and the southwest angle of the Township of Caron;

THENCE North $0^{\circ} 00.4'$ West along the west boundary of the Township of Caron, being along the centre line of the allowance for road between the townships of Caron and Greer, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 5.0 miles (26,400 feet) to a point;

THENCE North $0^{\circ} 01.3'$ West astronomically continuing along the west boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet) to a point;

THENCE due north continuing along the west boundary of the Township of Caron, being along the boundary between the townships of Caron and Greer, as established by the said H. W. Sutcliffe in the year 1932, a distance of 279.39 chains (18,439.74 feet) more or less to the northwest angle of the Township of Caron.

THENCE North $89^{\circ} 59'$ East, astronomically, along the north boundary of the said Township of Caron, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 77.98 chains (5,146.68 feet) to the 8-mile post;

THENCE due east, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80.00 chains (5,280 feet) to the 7-mile post;

THENCE South $89^{\circ} 59.5'$ East, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80.00 chains (5,280 feet) to the 6-mile post;

THENCE due east, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 6.0 miles (31,680 feet) more or less, to the northeast angle of the Township of Caron and the northwest angle of the Township of Moose;

THENCE due east, astronomically, along the north boundary of the said Township of Moose, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 2 miles (10,560 feet) to the 2-mile post;

THENCE North $89^{\circ} 59.7'$ East, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 20 chains (1,320 feet);

THENCE due east, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 300 chains (19,800 feet) to the 6-mile post;

THENCE South $89^{\circ} 59.8'$ East, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet);

THENCE due east, astronomically, continuing along the north boundary of the Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 169 chains (11,154 feet) to the extreme high tide line of James Bay;

THENCE due east, astronomically, continuing along the north boundary of the said Township of Moose, a distance of 82.13 chains (5,420.58 feet) more or less to the normal high tide line or shore of James Bay;

THENCE southerly and southeasterly along the shore of James Bay and along the north shore of Ship Sands Island and continuing southeasterly to a point in Moose River along a line joining the northeasterly extremity of Ship Sands Island and Arnold Point, distant one mile (5,280 feet) measured southeasterly at right angles from the southeast shore of the said Island;

THENCE southwesterly parallel with the southeast shore of Ship Sands Island and continuing southwesterly parallel with the left bank of the Moose River and distant 1 mile (5,280 feet) measuring southeasterly at right angles to the said bank, to the intersection of said parallel line with the easterly prolongation of the south boundary of the Township of Horden;

THENCE North $89^{\circ} 55'$ West, astronomically, along the last-mentioned prolongation to the westerly limit of the road allowance along the north bank of Moose River;

THENCE continuing North $89^{\circ} 55'$ West, astronomically, along the south boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Horden and Parr, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 89.31 chains (5,894.46 feet) more or less, to the point of commencement.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1968-69*.

An Act to amend
The Moosonee Development
Area Board Act, 1966

1st Reading

June 12th, 1969

2nd Reading

3rd Reading

MR. McKEOUGH

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Moosonee
Development Area Board Act, 1966**

MR. McKEOUGH

BILL 189

1968-69

An Act to amend The Moosonee Development Area Board Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Moosonee Development Area Board Act, 1966* is amended by adding thereto the following sub-amended section:

- (6) The Board shall appoint a secretary-treasurer who may be a member of the Board, who shall hold office during pleasure and, with respect to the Development Area, has the powers and shall perform the duties of the clerk, treasurer and collector of a municipality.

2. Section 3 of *The Moosonee Development Area Board Act, 1966* is amended by inserting after "township" in the third and fourth lines "including, but without limiting the generality of the foregoing, the power to levy, impose and collect taxes and rates", so that the section shall read as follows:

3. For the purposes of every Act, the Board, in respect of the purposes specified in Schedule B, has, in the Development Area, all the powers and duties of the council of a township including, but without limiting the generality of the foregoing, the power to levy, impose and collect taxes and rates, and, when any such power or duty is exercised under any Act in respect of any of such purposes, the Act applies *mutatis mutandis*.

3. *The Moosonee Development Area Board Act, 1966* is amended by adding thereto the following section:

- 3a. In addition to the powers provided in section 3, the Board may,

- (a) acquire and hold land within the Development Area for development purposes;
- (b) survey, clear, grade, subdivide and service such land; and
- (c) sell, lease or otherwise dispose of such land.

1966, c. 89,
Sched. A,
re-enacted

4. Schedule A to *The Moosonee Development Area Board Act, 1966* is repealed and the following substituted therefor:

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the District of Cochrane and Province of Ontario, being composed of the whole of the geographic townships of Caron, Horden and Moose, including the Moosonee Townsite, part of the right-of-way of the Ontario Northland Transportation Commission and part of the Moose River, which said parcel or tract of land may be more particularly described as follows:

COMMENCING at the southwest angle of the said Township of Horden;

THENCE due north astronomically along the west boundary of the said township being along the centre line of the allowance for road between the townships of Winnington and Horden as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 1-mile post;

THENCE North $0^{\circ} 00.7'$ East astronomically, continuing along the west boundary of the said Township of Horden being along the centre line of the road allowance between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 20 chains (1,320 feet);

THENCE due north astronomically continuing along the centre of the road allowance between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 300 chains (19,800 feet) to the 5-mile post;

THENCE North $0^{\circ} 00.5'$ East astronomically, continuing along the west boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Winnington and Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 6-mile post;

THENCE due north astronomically continuing along the west boundary of the said Township of Horden as established by the said H. W. Sutcliffe in the year 1932, a distance of 1 mile (5,280 feet) to the 7-mile post;

THENCE North $0^{\circ} 00.1'$ West astronomically, continuing along the west boundary of the said Township of Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40.0 chains (2,640 feet) to a post;

THENCE due north astronomically continuing along the west boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Winnington and Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet) to the 8-mile post;

THENCE North $0^{\circ} 00.4'$ West astronomically continuing along the west boundary of the said Township of Horden, being along the centre of the allowance for road between the townships of Winnington and Horden, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80 chains (5,280 feet) to the northwest angle of the said Township of Horden and the southwest angle of the Township of Caron;

THENCE North $0^{\circ} 00.4'$ West along the west boundary of the Township of Caron, being along the centre line of the allowance for road between the townships of Caron and Greer, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 5.0 miles (26,400 feet) to a point;

THENCE North $0^{\circ} 01.3'$ West astronomically continuing along the west boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet) to a point;

THENCE due north continuing along the west boundary of the Township of Caron, being along the boundary between the townships of Caron and Greer, as established by the said H. W. Sutcliffe in the year 1932, a distance of 279.39 chains (18,439.74 feet) more or less to the northwest angle of the Township of Caron.

THENCE North $89^{\circ} 59'$ East, astronomically, along the north boundary of the said Township of Caron, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 77.98 chains (5,146.68 feet) to the 8-mile post;

THENCE due east, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80.00 chains (5,280 feet) to the 7-mile post;

THENCE South $89^{\circ} 59.5'$ East, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 80.00 chains (5,280 feet) to the 6-mile post;

THENCE due east, astronomically, continuing along the north boundary of the Township of Caron, as established by the said H. W. Sutcliffe in the year 1932, a distance of 6.0 miles (31,680 feet) more or less, to the northeast angle of the Township of Caron and the northwest angle of the Township of Moose;

THENCE due east, astronomically, along the north boundary of the said Township of Moose, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 2 miles (10,560 feet) to the 2-mile post;

THENCE North $89^{\circ} 59.7'$ East, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 20 chains (1,320 feet);

THENCE due east, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 300 chains (19,800 feet) to the 6-mile post;

THENCE South $89^{\circ} 59.8'$ East, astronomically, continuing along the north boundary of the said Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 40 chains (2,640 feet);

THENCE due east, astronomically, continuing along the north boundary of the Township of Moose, as established by the said H. W. Sutcliffe in the year 1932, a distance of 169 chains (11,154 feet) to the extreme high tide line of James Bay;

THENCE due east, astronomically, continuing along the north boundary of the said Township of Moose, a distance of 82.13 chains (5,420.58 feet) more or less to the normal high tide line or shore of James Bay;

THENCE southerly and southeasterly along the shore of James Bay and along the north shore of Ship Sands Island and continuing southeasterly to a point in Moose River along a line joining the northeasterly extremity of Ship Sands Island and Arnold Point, distant one mile (5,280 feet) measured southeasterly at right angles from the southeast shore of the said Island;

THENCE southwesterly parallel with the southeast shore of Ship Sands Island and continuing southwesterly parallel with the left bank of the Moose River and distant 1 mile (5,280 feet) measuring southeasterly at right angles to the said bank, to the intersection of said parallel line with the easterly prolongation of the south boundary of the Township of Horden;

THENCE North $89^{\circ} 55'$ West, astronomically, along the last-mentioned prolongation to the westerly limit of the road allowance along the north bank of Moose River;

THENCE continuing North $89^{\circ} 55'$ West, astronomically, along the south boundary of the said Township of Horden, being along the centre line of the allowance for road between the townships of Horden and Parr, as established by Ontario Land Surveyor H. W. Sutcliffe in the year 1932, a distance of 89.31 chains (5,894.46 feet) more or less, to the point of commencement.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1968-69*.

An Act to amend ^{Government}
The Moosonee Development ^{Publications}
Area Board Act, 1966

1st Reading

June 12th, 1969

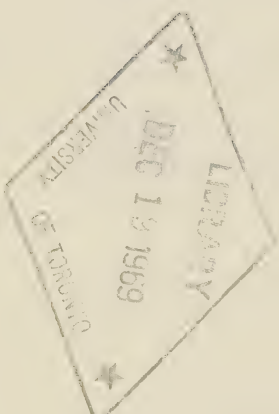
2nd Reading

November 5th, 1969

3rd Reading

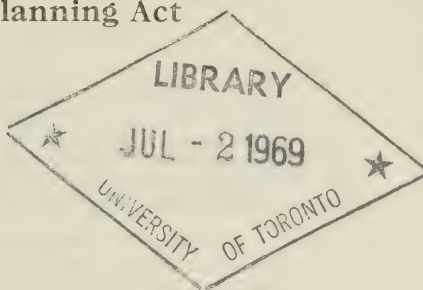
November 24th, 1969

MR. McKEOUGH



BILL 190

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Planning Act

MR. McKEOUGH

EXPLANATORY NOTES

SECTION 1. The repealed subsection authorizes the head of a council who is an *ex officio* member of a planning board to appoint a member of the council to act as a substitute for him with the approval of the council. The subsection is not required as section 214 of *The Municipal Act* provides substantially the same authority.

SECTION 2. The amendment will authorize the Minister to make provision for the special needs of any planning area including a planning area in a metropolitan or regional area.

SECTION 3. The amendments will make all conveyances by deed or transfer subject to the provisions of the section if there is a by-law or Minister's order in effect.

BILL 190

1968-69

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 4 of *The Planning Act* is repealed. R.S.O. 1960, c. 296, s. 4, subs. 4, repealed
2. Section 5 of *The Planning Act* is amended by striking out "any other provision in this Act" in the first line and inserting in lieu thereof "this or any other Act", so that the section shall read as follows: R.S.O. 1960, c. 296, s. 5, amended
 5. Notwithstanding this or any other Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 10, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. Special provisions
- 3.—(1) Subsection 1 of section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by subsection 2 of section 2 of *The Planning Amendment Act, 1966* and subsections 1 and 2 of section 2 of *The Planning Amendment Act, 1968*, is further amended by striking out "on any sale" in the fifth line, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 296, s. 26 (1960-61, c. 76, s. 1, subs. 1), amended
 - (1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer or mortgage or charge land in the area, or enter into an agreement of sale and purchase of Areas of subdivision control

land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more unless,

R.S.O. 1960,
c. 296, s. 26
(1960-61,
c. 76, s. 1,
subs. 1),
subs. 3,
amended

(2) Subsection 3 of the said section 26, as amended by subsection 3 of section 2 of *The Planning Amendment Act, 1966* and subsection 3 of section 2 of *The Planning Amendment Act, 1968*, is further amended by striking out "on any sale" in the ninth line, so that the subsection, exclusive of the clauses, shall read as follows:

Part-lot
control

(3) The council of a municipality may by by-law provide that this subsection applies to land in the municipality that is within a plan of subdivision registered before or after the passing of the by-law, or is within such registered plan or plans of subdivision, or part or parts thereof, as is or are designated in the by-law, and thereafter no person shall convey a part of any lot or block of the land by way of a deed or transfer, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

R.S.O. 1960,
c. 296, s. 28,
subs. 10
(1965,
c. 98, s. 2,
subs. 3),
amended

4. Subsection 10 of section 28 of *The Planning Act*, as re-enacted by subsection 3 of section 2 of *The Planning Amendment Act, 1965*, is amended by inserting after "purposes" in the eleventh line "or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon", so that the subsection shall read as follows:

Special
account

(10) All moneys received by the municipality under subsections 8 and 9a and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be held and used by the municipality

SECTION 4. The amendment authorizes municipalities to expend moneys out of the special account, with the approval of the Minister, to develop and improve park lands.

SECTION 5. The new subsection will clarify the authority of a municipality to require certain specified services such as piped water or sewers as a condition precedent to the use of land or the erection or use of buildings or structures.

SECTION 6. This is a saving provision complementary to section 5 of the Bill.

for park purposes or, with the approval of the Minister, for the acquisition of land to be held and used by the municipality for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,
c. 408

5. Section 30 of *The Planning Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 30,
amended

(3) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection 1 or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Zoning
by-laws
may
prohibit the
use of land
or the
erection
or use of
buildings or
structures
according
to the
availability
of municipal
services

6. Where provisions authorized by subsection 3 of section 30 of *The Planning Act*, as enacted by section 5, are included in a by-law heretofore passed, such provisions do not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation or proceedings commenced on or before the 16th day of June, 1969.

Application

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Planning Amendment Act, 1968-69*.

Short title

An Act to amend The Planning Act

1st Reading

June 12th, 1969

2nd Reading

3rd Reading

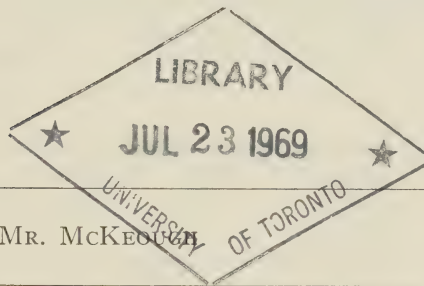
MR. McKEOUGH

BILL 190

Publication

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Planning Act



Mr. McKEOUGH

BILL 190

1968-69

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 4 of *The Planning Act* is repealed. R.S.O. 1960, c. 296, s. 4, subs. 4, repealed

2. Section 5 of *The Planning Act* is amended by striking out "any other provision in this Act" in the first line and inserting in lieu thereof "this or any other Act", so that the section shall read as follows: R.S.O. 1960, c. 296, s. 5, amended

5. Notwithstanding this or any other Act, the Minister may, in order to suit the special needs of any planning area, vary the constitution of the planning board, the procedures by which it is appointed, the term of office of its members, and the manner in which it is to function, and designate the functions of the planning board within the scope of section 10, and may make special provisions relating to the recommendation, adoption and approval of the official plan of the planning area. Special provisions

- 3.—(1) Subsection 1 of section 26 of *The Planning Act*, as re-enacted by subsection 1 of section 1 of *The Planning Amendment Act, 1960-61* and amended by subsection 2 of section 2 of *The Planning Amendment Act, 1966* and subsections 1 and 2 of section 2 of *The Planning Amendment Act, 1968*, is further amended by striking out "on any sale" in the fifth line, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 296, s. 26 (1960-61, c. 76, s. 1, subs. 1), amended

- (1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer or mortgage or charge land in the area, or enter into an agreement of sale and purchase of Areas of subdivision control

land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more unless,

.

R.S.O. 1960,
c. 296, s. 26
(1960-61,
c. 76, s. 1,
subs. 1),
subs. 3,
amended

(2) Subsection 3 of the said section 26, as amended by subsection 3 of section 2 of *The Planning Amendment Act, 1966* and subsection 3 of section 2 of *The Planning Amendment Act, 1968*, is further amended by striking out "on any sale" in the ninth line, so that the subsection, exclusive of the clauses, shall read as follows:

Part-lot
control

(3) The council of a municipality may by by-law provide that this subsection applies to land in the municipality that is within a plan of subdivision registered before or after the passing of the by-law, or is within such registered plan or plans of subdivision, or part or parts thereof, as is or are designated in the by-law, and thereafter no person shall convey a part of any lot or block of the land by way of a deed or transfer, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

.

R.S.O. 1960,
c. 296, s. 28,
subs. 10
(1965,
c. 98, s. 2,
subs. 3),
amended

4. Subsection 10 of section 28 of *The Planning Act*, as re-enacted by subsection 3 of section 2 of *The Planning Amendment Act, 1965*, is amended by inserting after "purposes" in the eleventh line "or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon", so that the subsection shall read as follows:

Special
account

(10) All moneys received by the municipality under subsections 8 and 9a and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be held and used by the municipality

for park purposes or, with the approval of the Minister, for the acquisition of land to be held and used by the municipality for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,
c. 408

5. Section 30 of *The Planning Act* is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 296, s. 30,
amended

(3) A by-law heretofore or hereafter passed under paragraph 1 or 2 of subsection 1 or a predecessor of such paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be.

Zoning
by-laws
may
prohibit the
use of land
or the
erection
or use of
buildings or
structures
according
to the
availability
of municipal
services

6. Where provisions authorized by subsection 3 of section 30 of *The Planning Act*, as enacted by section 5, are included in a by-law heretofore passed, such provisions do not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation or proceedings commenced on or before the 16th day of June, 1969.

Application

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Planning Amendment Act, 1968-69*.

Short title

An Act to amend The Planning Act

1st Reading

June 12th, 1969

2nd Reading

June 19th, 1969

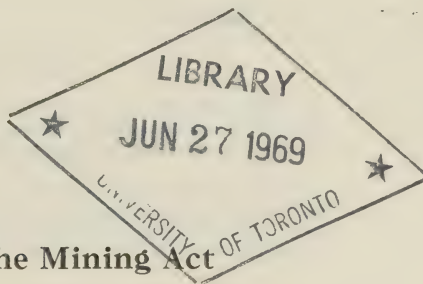
3rd Reading

June 27th, 1969

Mr. McKEOUGH

BILL 191

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Mining Act**

MR. LAWRENCE (St. George)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

This Bill contains a complete revision of Part IX of the Act which deals with the operation of mines and Part XI of the Act which deals with offences, penalties and prosecutions.

The chief purpose of this revision is the adaptation to the mining industry of *The Construction Safety Act, 1961-62*, *The Construction Hoists Act, 1960-61*, *The Industrial Safety Act, 1964*, *The Trench Excavators' Protection Act*, and *The Elevators and Lifts Act*.

Other changes contained in this revision up-date the legislation to keep pace with advances in the mechanization of the mining industry including:

1. The electro-magnetic testing of all hoisting ropes throughout the total length. This testing equipment has been developed by the Ontario Mining Association and the Department of Mines in a joint venture over the past ten years.
2. Direct-fired heating of underground workings.
3. Non-destructive testing to be done on shafting, brakes, etc., on hoisting equipment and cranes, by such means as ultra-sonic examination, etc.
4. Requirements in regard to guide and rubbing ropes as used in shafts. This is a new development in Ontario.
5. Notification to be given on major electrical installations.
6. Protection to be taken when operating cranes and power shovels near overhead power lines.

Other notable changes include:

1. Advance mine rescue fresh air bases in deep mines.
2. Concreting shaft and raise openings which are to be abandoned.
3. Personal protective equipment such as footwear, hearing protection, etc.
4. Safety precautions to be taken when dump trucks are being repaired or adjusted.

BILL 191

1968-69

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of section 1 of *The Mining Act* is amended by inserting after “mine” in the third line “or plant”, so that the paragraph shall read as follows: R.S.O. 1960, c. 241, s. 1, par. 1, amended

1. “agent”, where it occurs in Parts IX and XI, means a person having, on behalf of the owner, the care or direction of a mine or plant or a part thereof.

(2) Paragraph 10 of the said section 1 is amended by inserting after “boilers” in the second line “compressors” and by adding at the end thereof “or plant”, so that the paragraph shall read as follows: R.S.O. 1960, c. 241, s. 1, par. 10, amended

10. “machinery” includes steam and other engines, boilers, compressors, furnaces, milling and crushing apparatus, hoisting and pumping equipment, chains, trucks, tramways, tackle, blocks, ropes and tools, and all appliances used in or about or in connection with a mine or plant.

(3) Paragraphs 12 and 13 of the said section 1 are repealed and the following substituted therefor: R.S.O. 1960, c. 241, s. 1, pars. 12, 13, re-enacted

12. the noun “mine”, except as defined in Part IX, includes any opening or excavation in, or working of the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, rock, earth, clay, sand or gravel, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine, and also any quarry, excavation or opening of the ground made for the purpose of searching for or

removal of mineral, rock, stratum, earth, clay, sand or gravel and any roasting or smelting furnace, concentrator, mill, work or place used for or in connection with washing, crushing, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any of such substances.

13. the verb "mine" and the word "mining", except as defined in Part IX, include any mode or method of working whereby the earth or any rock, stratum, stone or mineral-bearing substance may be disturbed, removed, washed, sifted, leached, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether it has been previously disturbed or not.

R.S.O. 1960,
c. 241, s. 1,
par. 18,
amended

(4) Paragraph 18 of the said section 1 is amended by inserting after "mine" in the fourth line "or plant" and by inserting after "mine" in the seventh line and in the ninth line "plant", so that the paragraph shall read as follows:

18. "owner", when used in Parts IX and XI, includes every person, mining partnership and company being the immediate proprietor or lessee or occupier of a mine or plant or a part thereof, or of any land located, patented or leased as mining land, but does not include a person or a mining partnership or company receiving merely a royalty, rent or fine from a mine, plant or mining lands, or being merely the proprietor of a mine, plant or mining lands subject to a lease, grant or other authority for the working thereof, or the owner of the surface rights and not of the ore or minerals.

R.S.O. 1960,
c. 241,
Pt. IX
(1961-62,
c. 81, s. 1),
re-enacted

2. Part IX of *The Mining Act*, as re-enacted by section 1 of *The Mining Amendment Act, 1961-62*, is repealed and the following substituted therefor:

PART IX

OPERATION OF MINES

Interpre-
tation

161.—(1) In this Part,

- (a) "authorized" means properly authorized to perform any specified duty or to do any specified act;

- (b) "engineer" means a member of the Association of Professional Engineers of the Province of Ontario who is designated by the Department as "chief engineer" or as "district mining engineer", or as "district electrical-mechanical engineer";
- (c) "manager" means the owner of a mine or plant or a part thereof or his agent, or a person designated by the owner or his agent as responsible for the control, management and direction of a mine, plant or a part thereof;
- (d) the noun "mine" includes any opening or excavation in, or working of the ground for the purpose of winning, opening up or proving any mineral-bearing substance, and any ore body, mineral deposit, stratum, rock, earth, clay, sand or gravel, or place where mining is or may be carried on and also any quarry, excavation or opening in the ground made for the purpose of searching for or removal of mineral, rock, stratum, earth, clay, sand or gravel, and any premises below or above ground belonging to or used in connection with the mine not included in the definition of the noun "plant";
- (e) the verb "mine" and the word "mining" mean the performance of any work in or about a mine;
- (f) "mine rescue training officer" means a person in charge of a mine rescue station and responsible for mine rescue training;
- (g) the noun "plant" includes any roasting or smelting furnace, concentrator, mill or place and work used for or in connection with washing, crushing, grinding, sifting, reducing, leaching, roasting, smelting, refining, treating or research on any substance included under the noun "mine" and all ways, works, machinery, buildings and premises above ground used in connection therewith;
- (h) "professional engineer" means a person who is a member of or is licensed by the Association of Professional Engineers of Ontario;

(i) "qualified" means properly qualified to perform any specified duty or to do any specified act;

(j) "safety" means freedom from injury to the body or freedom from damage to health of a person.

Responsi-
bility as to
qualifica-
tions

(2) Subject to the requirements of this Act and except as otherwise provided in this Act, responsibility for the authorization and decisions as to the qualifications of employees rests with the employer or his agent. 1961-62, c. 81, s. 161.

Where Part
does not
apply

(3) The provisions of this Part do not apply to cook-houses, bunkhouses, recreational centres, dwellings, and the grounds used in connection therewith. 1961-62, c. 81, s. 1, par. 12, *part, amended*.

EMPLOYMENT IN AND ABOUT MINES

Employ-
ment, of
children,

162.—(1) No male person under the age of sixteen years shall be employed in or about a mine or plant, and no male person under the age of eighteen years shall be employed underground in a mine or at the working face of an open-cut workings, pit or quarry.

of females

(2) No female person shall be employed at a mine or plant, except on surface in a technical, clerical or domestic capacity or such other capacity that requires the exercise of normal feminine skill or dexterity but does not involve strenuous physical effort. 1961-62, c. 81, s. 162, *amended*.

MINE RESCUE STATIONS

Establish-
ment

163.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister directs. 1961-62, c. 81, s. 163 (1).

Mine rescue
training
officers

(2) The Lieutenant Governor in Council may appoint such mine rescue training officers as he deems advisable.

Duty of
mine rescue
training
officers

(3) The equipment and operation of mine rescue stations shall be in the charge of mine rescue training officers, and it is the duty of such officers to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner

as the chief engineer directs, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the chief engineer deems necessary.

- (4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the district mining engineer deems necessary. 1961-62, c. 81, s. 162 (2-4), *amended*. Training of rescue crews
- (5) The mine manager is responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine. Responsibility in mine rescue operations
- (6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund. Cost
- (7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6. Idem
- (8) All moneys received from the sale or disposal of any equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry. 1961-62, c. 81, s. 162 (5-8). Disposal of equipment, etc.
- (9) Fresh air bases shall be strategically located in deep mines and their design, locations, equipment and use are to be approved by the chief engineer. *New*. Fresh air bases

HOURS OF LABOUR UNDERGROUND

164.—(1) In this section,

Interpretation

- (a) "shift" means a body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same;
- (b) "workman" means a person employed underground in a mine who is not the owner or agent or an official of the mine,

and, where any question or dispute arises as to the meaning or application of clause *b* of subsection 2 or as to the meaning of "shift", "workman", or "underground", the certificate of the engineer is conclusive.

Hours of
labour
under-
ground

- (2) No workman shall remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, except that,

- (a) a shift or any part of a shift may remain or be allowed to remain underground in a mine for more than eight hours in any consecutive twenty-four hours on one day of a week for the purpose of avoiding work on Sunday or on a holiday or changing shift;
- (b) such limit does not apply to a foreman, pumpman, cagetender, or any person engaged solely in surveying or measuring, nor does it apply in cases of emergency where life or property is in imminent danger, nor does it apply in cases of repair work.

Hours of
operator
of hoist

- (3) No person shall operate or be permitted to operate, either on the surface or underground, a hoist, by means of which persons or material are hoisted, lowered or handled in a shaft or winze, for more than eight hours in any consecutive twenty-four hours, except,
- (a) that, in the event of one of the regular hoistmen being absent from duty through sickness or otherwise and where no competent substitute is available, the remaining hoistman or hoistmen may work extra time not exceeding four hours each in any consecutive twenty-four hours for a period not exceeding fourteen days;
 - (b) that, in the case where the work at a mine or in a shaft or winze at a mine is not carried out continuously on three shifts per day, the hoistman may work such extra time as is necessary for lowering or hoisting the workmen employed on the shift at the beginning and end of each shift;
 - (c) in the cases provided for in clauses *a* and *b* of subsection 2. 1961-62, c. 81, s. 164 (1-3).

QUALIFICATIONS OF HOISTMEN

- 165.—(1) No person under the age of twenty-one years ^{Age limit of hoistmen} and no person who has not had adequate experience on a reversing hoist shall be authorized to operate a hoist at a shaft or winze in which persons are handled at a mine.
- (2) No person under the age of eighteen years shall be ^{Idem} authorized to operate a hoist at a mine.
- (3) No person shall operate or be permitted to operate a ^{Hoistman to be holder of medical certificate} hoist at a shaft or winze in which persons are handled at a mine, or for any other purpose designated by an engineer, unless he has been examined by a legally qualified medical practitioner acceptable to the employer and the medical practitioner has issued to him on the form prescribed a hoistman's medical certificate to the effect that to the best of the practitioner's knowledge the person is not subject to any infirmity, mental or physical (particularly with regard to sight, hearing and heart), to such a degree as to interfere with the efficient discharge of his duties. 1961-62, c. 81, s. 165 (1-3), *amended*.
- (4) Every hoistman's medical certificate lapses and shall ^{Expiry of certificate} be deemed to have expired at the end of one year from its date.
- (5) Every hoistman's medical certificate shall be kept ^{Filing of certificate} on file by the employer and made available to an engineer at his request.
- (6) A record of all hoistmen's medical certificates per- ^{Posting record of certificates} taining to hoistmen operating in any one hoistroom shall be kept posted therein, showing the names of the hoistmen and the date of the last certificate issued to each.
- (7) This section does not apply to the operation of ^{Automatic hoist} hoists when on automatic control. 1961-62, c. 81, ^{exempted} s. 165 (4-7).
166. Where a contravention of section 162, 164 or 165 ^{Proceedings where persons employed contrary to Act} takes place, the owner, agent or manager of the mine, or any of them, may be proceeded against, jointly or separately, and may be convicted of such offence, but neither the owner nor the agent nor the manager shall be so convicted if he proves that the offence was committed without his knowledge or consent, and that he had caused notices of the said sections to be posted up, and to be kept posted up, at some conspicuous place at or near the entrance to the mining work. 1961-62, c. 81, s. 166, *amended*.

MEDICAL EXAMINATIONS

Interpre-
tation

167.—(1) In this section,

- (a) “applicant” means a person who is not the holder of a certificate in good standing who is seeking employment in a dust exposure occupation;
- (b) “certificate” means an initial certificate, an extended certificate, an endorsed certificate, a miner’s certificate or a renewed certificate;
- (c) “dust exposure occupation” means,
 - (i) employment underground in a mine,
 - (ii) employment at the surface of a mine, other than at a pit or quarry, in ore or rock crushing operations where the ore or rock is not crushed in water or a chemical solution,
 - (iii) employment at other locations, as designated by the chief engineer, at the surface of a mine or in a pit or quarry;
- (d) “endorsed certificate” means an initial certificate or extended certificate that has been endorsed under clause *b* of subsection 7;
- (e) “extended certificate” means an initial certificate that has been extended under clause *a* of subsection 7;
- (f) “initial certificate” means a certificate issued to an applicant under subsection 6;
- (g) “medical officer” means a medical officer appointed under *The Workmen’s Compensation Act* to carry out the provisions of this Act with regard to the examination of employees or applicants for employment;
- (h) “miner’s certificate” means a certificate issued under subsection 8;
- (i) “renewed certificate” means a miner’s certificate that has been renewed under subsection 9.

R.S.O. 1960,
c. 437

- (2) No person shall be employed in a dust exposure Employment in dust exposure occupation occupation unless he is the holder of a certificate in good standing.
- (3) Subject to subsection 4, every certificate remains in Term of certificate force for not more than twelve months, except that a medical officer may at any time recall the holder of a certificate for examination within the scope of the existing certificate and may extend, endorse, renew or cancel the certificate in accordance with his finding upon the examination.
- (4) In those parts of Ontario where the examinations Examination by travelling medical officer under subsections 6 to 9 are conducted by a travelling medical officer, no certificate shall be deemed to have expired because of the failure of the medical officer to conduct an examination prior to the date of expiration of a certificate, and the holder of a certificate that would otherwise have expired shall present himself before a medical officer for re-examination at the first opportunity available after the date upon which his certificate would have so expired.
- (5) Where a certificate of a person employed in the Expiration of certificate mining industry has expired because of the failure of its holder to present himself to a medical officer for examination, a medical officer may extend, endorse or renew the certificate or issue a miner's certificate, as the circumstances of the case require, if he is satisfied that the failure was caused by the inability of the holder to so present himself because of illness or other circumstances beyond his control.
- (6) Every applicant shall be examined by a medical Examination before employment officer before commencing employment, and, if the medical officer finds upon examination that the applicant is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall issue to the applicant an initial certificate.
- (7) The holder of an initial certificate shall, prior to its Initial certificate holder, re-examination expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from disease of the respiratory organs and otherwise fit for employment in a dust exposure occupation, he shall,
- (a) in the case of a holder who since the issuance of his initial certificate has completed less than eleven months employment in a dust

exposure occupation, extend the certificate for such period as he deems necessary to permit the holder to complete twelve months employment in a dust exposure occupation, and he may from time to time extend the certificate for the same purpose; and

- (b) in the case of a holder of an initial certificate who since the issuance of his initial certificate has completed eleven months or more employment in a dust exposure occupation, endorse the certificate.

Issue of
miner's
certificate

- (8) The holder of an endorsed certificate who since the endorsement of his initial certificate has completed eleven months or more employment in a dust exposure occupation shall, prior to its expiration, present himself to a medical officer for examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall issue him a miner's certificate.

Miner's
certificate
holder, re-
examination

- (9) The holder of a miner's certificate shall, prior to its expiration, present himself to a medical officer for re-examination, and, if the medical officer finds upon examination that the holder is free from tuberculosis of the respiratory organs, he shall renew the certificate, which may be further renewed from year to year upon the passing of a similar examination.

Unemployed
holder of
certificate

- (10) The holder of a certificate who for any reason is out of employment in a dust exposure occupation may apply to a medical officer for the extension, endorsement or renewal of his certificate or for the issuance of a miner's certificate, as the case may be, and, upon presentation of the holder's certificate, the medical officer shall conduct the required examination and effect such extension, endorsement, renewal or issuance as is warranted by his findings upon the examination.

Holder of
initial or
extended
certificate

- (11) Where the holder of an initial or extended certificate has been out of employment in the mining industry for a period exceeding one year and during such period has failed, through neglect on his part, to have his certificate extended or endorsed, such certificate is void and its holder is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.

- (12) Where the holder of an endorsed certificate or ^{Holder of endorsed or miner's certificate} miner's certificate has been out of employment in the mining industry for a period exceeding two years and during such period has failed, through neglect on his part, to obtain a miner's certificate or to have a miner's certificate renewed, his certificate is void and the holder thereof is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.
- (13) Where the holder of a certificate has been out of ^{Where un-employment exceeds three years} employment in the mining industry for a period exceeding three years, he is eligible for re-employment in a dust exposure occupation in the capacity of an applicant only.
- (14) The manager or superintendent of the mine at which ^{Custody of certificate} the holder of a certificate is employed may require the certificate to be delivered to and left in the custody of the manager or superintendent during the period of the holder's employment at the mine, but the certificate shall be returned to the holder upon the termination of his employment at the mine.
- (15) The chief engineer may exempt from subsections 2 ^{Exemption} to 14 any mine or any person employed thereat where, in his opinion, the mine does not contain silica in quantity likely to produce silicosis or where for any other reason he is of the opinion that such subsections should not apply.
- (16) Subsections 2 to 14 do not apply to a person usually ^{Idem} employed in a dust exposure occupation for less than fifty hours in each calendar month.
- (17) The Lieutenant Governor in Council may make ^{Regulations} regulations,
- (a) prescribing the nature of the examination to be made by a medical officer under subsections 6 to 11;
 - (b) prescribing the forms of certificates and extensions, endorsements and renewals thereof;
 - (c) generally for the better carrying out of this section. 1961-62, c. 81, s. 167.

PROTECTION OF UNUSED WORKINGS

Shaft and
raise
openings

168.—(1) Where a mine has been abandoned or where the work in it has been discontinued, the owner or lessee or any other person interested in the mineral of the mine shall cause the top of any shaft or raise opening to the surface to be solidly bulkheaded with reinforced concrete at bedrock or on top of the concrete collar of such opening, except that where in the opinion of the district mining engineer this is impracticable, the requirements of subsection 2 apply.

All other
openings
and pits

(2) All other openings and pits, dangerous by reason of their depth or other conditions, shall be and shall be kept securely fenced or otherwise protected against inadvertent access to the satisfaction of the district mining engineer, but where in his opinion the mine or workings present no greater hazard than the natural topographic features of the area, this provision need not be complied with. 1961-62, c. 81, s. 168 (1), *amended*.

Failure to
erect fence
after notice

(3) Every such person who, after notice in writing from the district mining engineer, fails to comply with his directions as to such fencing or protection within the time specified in the notice is guilty of an offence against this Act.

When
engineer
may erect
fence

(4) Where the district mining engineer finds that any such fencing or protection is required in order to avoid danger to health or property, he may cause the work to be done and may pay the costs incurred out of any moneys provided for the purposes of this Act, and the amount of such costs with interest thereon is a lien upon the mine or mining work of which notice in such form as the Minister prescribes may be registered in the proper registry or land titles office, and no further transfer or other dealings with the mine or mining work shall take place until such amount is paid.

Recovery
of costs
of work

(5) The amount of such costs with interest thereon is due from the owner or lessee to the Crown and is recoverable at the suit of the district mining engineer in any court of competent jurisdiction.

Discharge
of fencing
liens

(6) Notwithstanding subsections 4 and 5, the Minister, either without payment or on such terms and conditions as he deems proper, may cause a cessation of charge to be registered in the proper registry or

land titles office, and thereupon the lien registered under subsection 4 is void and of no effect. 1961-62, c. 81, s. 168 (2-5), *amended*.

RESPONSIBILITY AS TO PROVISIONS

- 169.—(1) Where the owner, agent or manager of a mine or plant, by an application in writing stating the reasons therefor, requests the engineer to suspend the requirements of sections 172 to 596 as to such mine or plant, the chief engineer may in writing direct that the requirements of any such provision do not apply to such mine or plant, or may in writing direct that any such provision does not apply so long as such limitations and conditions as he sees fit to impose are observed or complied with. 1961-62, c. 81, s. 170 (1), *amended*. Suspension
of provision
- (2) The chief engineer may at any time cancel any order made under subsection 1 or make such alterations therein as he deems proper in view of any change in the conditions under which the order was made or upon it appearing to him that such change is advisable for any other reason. 1961-62, c. 81, s. 170 (2). Cancellation
of
suspension
- (3) The manager of a mine or plant may make rules not inconsistent with any provision of this Part or any special direction made by an engineer as herein provided for the maintenance of order and discipline and the prevention of accidents in or about the mine or plant, and may submit any rule so made to the chief engineer who shall lay the rules before the Minister for his approval, and, upon such approval being given, the rules take effect after they have been posted up in a conspicuous place at the mine for at least fourteen days, but the Minister may disallow any of such rules or direct such changes to be made in them as he deems proper. 1961-62, c. 81, s. 170 (3), *amended*. Manager
may make
rules
- (4) Every such rule, after approval and when and so long as it is posted up and is legible, has the same force and effect as the provisions of this Act, and any person who contravenes any such rule is liable to the penalty provided for a breach of the provisions of this Act. 1961-62, c. 81, s. 170 (4). Offence
- (5) The owner or agent of an operating mine or plant shall appoint a manager who is responsible for the control, management and direction of the mine or plant. 1961-62, c. 81, s. 170 (5), *amended*. Responsi-
bility as to
carrying
out
require-
ments

Owner to
give facilities
to manager
to comply

- (6) The owner or agent shall provide the manager of a mine or plant with the necessary means and shall afford him every facility for complying with this Part. 1961-62, c. 81, s. 170 (8), *amended*.

Idem

- (7) Except as to any provisions that the chief engineer has directed are not applicable thereto,

(a) the manager of the mine or plant shall take all necessary and reasonable measures to enforce the provisions of this Part and to ensure that they are observed by every employee of the mine or plant, and every supervisor shall take all necessary and reasonable measures to enforce the requirements of all such provisions as are applicable to the work over which he has supervision and to ensure that they are observed by the persons under his charge and direction;

(b) every person shall take all necessary and reasonable measures to carry out his duties in accordance with such provisions as are applicable to the work in which he is engaged; and

(c) every person through whose neglect or wrongful act a contravention occurs shall be deemed to have incurred the penalties provided for a breach of the provisions of this Part.

Idem

- (8) The manager of an operating mine or plant shall appoint one or more suitable persons who are responsible, during the manager's absence, for taking all necessary and reasonable measures to enforce the requirements of subsection 7. 1961-62, c. 81, s. 170 (6, 7), *amended*.

Operation
of
machines
and
devices

- (9) No manager, supervisor or his agent who has reasonable cause to believe that any machine or device in or about a mine or plant is unsafe or in contravention of this Act shall cause or permit it to be used or operated.

Idem

- (10) No person shall use or operate any machine or device in or about a mine or plant in an unsafe manner or in a manner that does not comply with this Act.

Idem

- (11) No person who has reasonable cause to believe that any machine or device, which has been assigned to him for use in or about a mine or plant, is unsafe

or in contravention of this Act shall use the machine or device until he has,

- (a) reported the defect to his supervisor; and
- (b) obtained specific authority from his supervisor to use or operate the machine or device. *New.*

(12) Where work in or about a mine or plant is let by the owner, agent or manager to a contractor,

Responsi-
bility
of
contractors,
etc.

- (a) the owner, agent or manager shall, except for work involving surface prospecting, give written notice to the chief engineer and to the district mining engineer, resident in that part of Ontario in which the mine or plant is situated that a contract has been made;
- (b) the contractor shall give written notice to the chief engineer and to the district mining engineer resident in that part of Ontario in which the mine is situated of any subcontract that has been made;
- (c) the contractor or subcontractor, as the case may be, shall appoint a person to be in charge and responsible for the work being done by the contractor or subcontractor;
- (d) the person so appointed by the contractor or subcontractor shall comply and enforce compliance with all the provisions of this Part pertaining to the work over which he has control and is, in any case of non-compliance therewith, guilty of an offence and punishable in like manner as if he were the owner, agent or manager. 1961-62, c. 81, s. 170 (9), *amended.*

REQUIREMENTS

170. Subject to section 169, sections 172 to 596 shall be observed and carried out at every mine and plant.

Require-
ments

1961-62, c. 81, s. 171, *amended.*

171. In sections 172 to 596,

- (a) "blasting agent" means a type of explosive of low sensitivity that cannot, as mixed and packaged for use, be detonated by a single No. 8 detonator, and, unless specified, the requirements for explosives do not apply to a blasting agent;

Interpre-
tation

- (b) "boatswain's chair" means a suspended scaffold in the form of a seat used by one person in a sitting position and supported by slings attached to a suspended rope, and includes the wearing of a safety belt by the person;
- (c) "charge" means,
 - (i) explosives and a detonator,
 - (ii) a blasting agent and a detonator, or
 - (iii) a blasting agent and a detonator and primer that is exploded as a single unit;
- (d) "drum hoist" means the type of hoist that spools the rope on the hoist drum;
- (e) "explosives" includes detonators and those powders that are cap sensitive with a single detonator as packaged for use, and includes black blasting powder;
- (f) "fire-resistive" when applied to buildings, structures or parts thereof, means constructed in an approved manner of steel, masonry, reinforced concrete, or other equivalent materials, or any combination of such materials;
- (g) "friction hoist" means the type of hoist where the rope is driven by the friction between it and the drum tread and where the rope is not spooled on the hoist drum but passes over or around it;
- (h) "safety belt" means a belt worn round the waist of a person and includes the rope and necessary fittings attached to the belt, which shall be suitable for their purpose, and the safety belt shall be of sufficient strength to absorb twice the load of energy which, under the circumstances of its use, could be transmitted to it;
- (i) "safety harness" means a combination of a belt worn round the waist of a person and straps attached to the belt and passing over the person's shoulders, with the necessary rope fittings and assembly that meets the

strength requirements of a safety belt and is suitable for raising the person by the rope without permitting the body of the person to bend at the waist;

- (j) "shot" means the sound of a charge or charges being exploded;
- (k) "therm-hour" means 100,000 British thermal units per hour or 39.3082 brake horse-power;
- (l) "utility hoist", including "tugger hoist" other than a hoist designated as a "construction hoist", means a powered hoist used for handling materials only in or about a mine or plant, and the safety requirements may be designated by the district electrical-mechanical engineer according to the conditions of use,

and the decision of an engineer as to whether or not a situation complies with a requirement therein which "suitable", "adequate", "approved", or any expression of like import, is used and as to the meaning and application of any such expression is final and conclusive, and a certificate of any such decision signed by the engineer may be used as evidence in any court. 1961-62, c. 81, s. 172, *amended*.

- 172.—(1) It is the duty of every manager, supervisor or other person in charge of workmen and every hoistman, deckman, conveyance attendant or person who handles explosives or blasting agents or who operates, installs or maintains any equipment, machinery or electrical apparatus in or about a mine or plant, to know the requirements of this Part that apply to the work under his charge and direction or in which he is engaged. ^{Duty as to knowledge of requirements}
- (2) Every person who is engaged exclusively in supervising the work of other persons, shall be able to give and to receive and understand orders in the English language. ^{Knowledge of English language}
- (3) Every person in charge as a deckman, conveyance attendant or hoistman shall have a knowledge of the English language adequate for enabling him to carry out his duties in a thoroughly safe manner. 1961-62, c. 81, s. 173, *amended*. ^{Idem}

PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING

Safety
hats and
footwear

173.—(1) An approved safety hat and approved safety footwear shall be worn by every person employed,

(a) underground in a mine;

(b) in a location in a pit or quarry designated by the district mining engineer.

Designated
areas for
protective
equipment

(2) The manager shall designate such other areas or occupations and circumstances where any or all of the following items shall be worn by every person employed therein:

1. Approved safety hat.

2. Approved safety footwear.

3. Approved eye protective equipment.

4. Approved hearing protective equipment.

5. Approved breathing apparatus.

6. Any other approved personal protective equipment which the job in question may require.

Hearing
protection

(3) The manager shall ensure that all steps practicable are taken to prevent injury to the hearing of a person from excessive noise.

Masks,
respirators,
etc.

(4) Where applicable, masks or respirators of an approved type and design for the hazard involved shall be worn by persons who are exposed to dust, gases, or irritating and dangerous fumes.

Idem

(5) Every person shall properly maintain his mask or respirator.

Idem

(6) Emergency breathing apparatus, where required, shall be maintained in condition for immediate use, and,

(a) the manager shall designate a responsible person to regularly inspect, sterilize and perform any necessary maintenance on such apparatus; and

(b) such apparatus, when not in use, shall be stored in a dust-tight container.

- (7) There shall be provided and maintained in safe ^{Safety belts, etc.} condition safety belts or safety harnesses for the use of persons where necessary.
- (8) Every person shall properly maintain his safety belt ^{Idem} or safety harness.
- (9) Every person employed at a mine or plant shall, ^{Duty to wear safety equipment}
- (a) use or wear the personal protective clothing and equipment required by this Part; and
 - (b) properly maintain his personal protective clothing and equipment. *New.*

FIRE PROTECTION — MINES

174. Sections 175 to 195 and sections 559 to 563 apply at ^{Application of ss. 175-195 and ss. 559-563} mine operations underground and in the vicinity of shaft collars. *New.*
- 175.—(1) General procedure to be followed both on sur- ^{Procedure} face and underground in case of fire underground or in a mine plant building that may endanger the mine entrance shall be drawn up, and all persons concerned shall be informed and kept informed of their duties.
- (2) Copies of the procedure or suitable excerpts shall be ^{Posting} kept posted in the shafthouse and other prominent places. 1961-62, c. 81, s. 174 (1, 2).
- (3) A test of the effectiveness of such procedure shall be ^{Tests} made at least once a year and a report of the effectiveness of the test shall be made available to the district mining engineer. 1961-62, c. 81, s. 174 (4), *amended.*
- 176.—(1) Every mine worked from shafts or adits pro- ^{Stench warning} ducing over 100 tons of ore per day and such other mines as are designated by the district mining engineer shall be equipped with an approved apparatus for the introduction into the mine workings of ethyl mercaptan or other warning gas or material approved by the chief engineer, and such apparatus shall be available at all times in a suitable location and kept ready for instant use for the purpose of warning persons underground of any emergency necessitating a speedy evacuation of the workings.

- Idem (2) A test of the effectiveness of the warning and procedure described in subsection 1 shall be made at least once a year and a report of the effectiveness of the test shall be made available to the district mining engineer. 1961-62, c. 81, s. 175 (1, 2), *amended*.
- Idem (3) Every person employed underground shall have the meaning of the warning explained to him, and he shall be acquainted with the smell of the warning gas. *New*.
- Flammable refuse 177.—(1) No flammable refuse shall be allowed to accumulate underground but shall be removed from the workings at least once a week and brought to the surface and there disposed of in a suitable manner. 1961-62, c. 81, s. 176 (1).
- Idem (2) No flammable refuse shall be allowed to accumulate in or about a headframe, shafthouse or any plant building in which a fire may endanger the mine entrance.
- Idem (3) Suitable fire-resistive containers for the temporary disposal of flammable refuse such as scrap paper, oily waste, rags and other similar materials shall be provided at all shaft stations, underground shops, lunch rooms and enclosures necessary for the housing of machinery or equipment or stores and buildings mentioned in subsection 2, and such containers shall be regularly emptied. 1961-62, c. 81, s. 176 (2, 3), *amended*.
- Unused timber (4) All timber not in use in a mine shall, as soon as is practicable, be taken from the mine and shall not be piled up and permitted to decay therein.
- Certificate as to flammable refuse (5) Every shift boss or mine captain shall certify in writing to the mine manager at least once a week that there is no accumulation of flammable refuse underground in the area under his supervision except as reported by him.
- Storage of oil and grease (6) Oil, grease or other flammable material shall not be stored in a shafthouse or portalhouse, but it is permissible, if adequate precautions are taken, to have in the shafthouse or portalhouse, for distribution only, an amount not exceeding the requirements for one day's operation.

- (7) Volatile, flammable liquids shall not be stored in a shafthouse or portalhouse and such material shall be transported underground only in approved types of containers. ^{Volatile, flammable liquids}
- (8) Oil, grease or volatile flammable liquid while underground shall be contained in suitable receptacles, and the amount of oil or grease so kept underground shall not exceed the requirements for seven days and the amount of volatile flammable liquid kept underground shall not exceed the requirements for the current day's work. 1961-62, c. 81, s. 176 (4-8). ^{Oil and grease underground}
- (9) The transfer of liquid fuels from one container to another by the direct application of air under pressure shall not be permitted, except where properly designed and tested equipment is used for this purpose. 1961-62, c. 81, s. 194 (3). ^{Idem}
178. No person shall build, set or maintain a fire underground for any purpose unless he has proper authority and suitable instructions for so doing, and only after the necessary fire-fighting equipment has been provided. 1961-62, c. 81, s. 177. ^{Building fires prohibited}
179. Where open-flame lights are used at a mine not equipped with a headframe and shafthouse or portalhouse constructed of fire-resistive materials, the interior of the shafthouse or portalhouse shall be tightly sheeted with metal or a suitable fire-resistive material to a height of eight feet. 1961-62, c. 81, s. 178. ^{Open-flame lights, precautions}
180. All underground shops, lunch rooms and buildings or enclosures necessary for the housing of machinery and equipment and stores and the furnishings of such shall be so located, constructed and maintained as to reduce the fire hazard to a minimum. 1961-62, c. 81, s. 179. ^{Underground structures}
- 181.—(1) If the engineer is of the opinion that a fire hazard may be created at a mine by smoking, or by the use of open-flame lamps, matches, or other means of producing heat or fire, he may designate the mine or part or parts of the mine as a fire hazard area. ^{Fire hazard areas}
- (2) No person shall smoke or be allowed to smoke, use open-flame lamps, matches or other means of producing heat or fire in such areas except with the permission in writing of the engineer and under such conditions as he deems proper. ^{Idem}

- Idem (3) Such fire hazard areas shall be properly identified by suitable warning signs. 1961-62, c. 81, s. 180 (1-3).
- Idem (4) The manager shall cause such signs to be installed and maintained as long as the area is so designated. 1961-62, c. 81, s. 180 (4), *amended*.
- When flammable gas encountered in mine 182. When a flammable gas in dangerous concentrations has been found to exist in a mine working, such working or the parts of such working concerned shall immediately be considered a fire hazard area, and every precaution shall be taken while clearing the area or doing any work therein to prevent ignition of the gas and these precautions shall be continued as long as the hazard exists. 1961-62, c. 81, s. 181.
- Fire-fighting equipment 183.—(1) Suitable fire-fighting equipment shall be provided and maintained in or about every headframe, shafthouse, portalhouse and every plant building in which a fire may endanger the mine entrance and at every shaft or winze station underground. 1961-62, c. 81, s. 182 (1), *amended*.
- Idem (2) Suitable fire-fighting equipment shall be provided and maintained at all underground crushers, pump stations, triples and underground electrical installations except where, in the opinion of the engineer, no fire hazard exists. 1961-62, c. 81, s. 182 (2).
- Idem (3) A properly authorized person or persons shall make a monthly inspection of all fire-fighting equipment referred to in subsections 1 and 2, and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. 1961-62, c. 81, s. 182 (3), *amended*.
- Storage of carbide 184.—(1) Calcium carbide shall be stored on the surface only, in a suitable, dry place, other than the shaft-house or portalhouse or changehouse, and in its original unopened container.
- Distribution of carbide (2) For the purpose of distributing calcium carbide, adequate provisions for the handling of quantities not in excess of one day's supply or 100 pounds, whichever is the greater, shall be made at every mine.
- Idem (3) Such distribution shall not take place in a shaft-house, portalhouse or changehouse unless such structure is fire-resistive but shall be provided for by the

installation of a suitable distribution centre not closer than fifty feet to the nearest point of any part of the headframe, shafthouse or portalhouse.

- (4) Adequate precautions shall always be taken to ensure that calcium carbide is handled in a safe manner and no calcium carbide shall be taken underground except in suitable containers. 1961-62, c. 81, s. 183. Handling
of carbide

185. Where operations involving the use of acetylene, kerosene, gasoline or other torches are conducted in a headframe, shafthouse, portalhouse or other building in which a fire may endanger the mine entrance or the underground workings of a mine, suitable measures for protection against fire shall be adopted and rigidly adhered to. 1961-62, c. 81, s. 184. Fire
protection
where
torches
used

- 186.—(1) Where cylinders of compressed gas, such as acetylene and oxygen, are transported underground for any cutting or welding operation, all fittings, such as regulators and manifolds, shall be disconnected from the cylinders and the valves shall be protected in a suitable manner. 1961-62, c. 81, s. 185. Under-
ground
trans-
portation
of
compressed
gases

- (2) Any such removable protective device shall be replaced at any time a cylinder is left unattended or before a cylinder is moved to a new location. 1961-62, c. 81, s. 185 (1, 2). Idem

- (3) In all cases where cylinders of compressed gas are operated from within any cage, skip or other shaft conveyance, or where the cylinders are set up in a location not readily accessible to the person operating the nozzle equipment, a second competent person shall be employed at all times to attend to the operation of the cylinder-control devices. 1961-62, c. 81, s. 185 (3), *amended*. Operation
of welding
and cutting
torches

- (4) In all cases where cylinders of compressed gas are used underground for the purpose of supplying cutting or welding equipment, special precautions shall be observed to avert the possibility of damage to or failure of the regulators, manifolds and hoses used in conjunction with the equipment. 1961-62, c. 81, s. 185 (4). Compressed
gas

187. No device for the generation of gas, such as acetylene for supplying cutting or welding equipment, shall be used in the underground workings of a mine. 1961-62, c. 81, s. 186. Generation
of gas
under-
ground
forbidden

Escape- ment exit	188.—(1) In every mine where a vertical or inclined shaft has been sunk or an adit driven and stoping has commenced, there shall be provided and maintained, in addition to the hoisting shaft or the opening through which persons are let into or out of the mine and the ore extracted, a separate escapement exit. 1961-62, c. 81, s. 187.
Location and cover of exit	(2) Such exit shall be outside any structure covering the main entrance to the mine and shall be isolated by a distance of not less than one hundred feet from the main entrance.
Idem	(3) Any structure covering such exit shall be of such material and so constructed to reduce the fire hazard to a minimum. 1961-62, c. 81, s. 187 (1, 2), <i>amended</i> .
When necessary	(4) If such an escapement exit is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced and shall be diligently prosecuted until it is completed, and means of escapement, other than the main outlet of the mine, shall be provided to and connected with the lowest level on which stoping operations are being carried on.
Size of exit	(5) The escapement exit shall be of sufficient size to afford an easy passageway and, where necessary, shall be provided with good and substantial ladders from the deepest workings to the surface.
Monthly exit inspection	(6) The manager shall depute some competent person or persons to make an inspection of such escapement exit at least once a month.
Record of inspection	(7) A record of such inspection and the conditions found shall be made in writing by the person making it. 1961-62, c. 81, s. 187 (3-6).
Legible signs showing exits	(8) Legible signs showing the way to escapement exits shall be posted in prominent places underground and all persons employed underground shall be instructed as to the location of the escapement exits. 1961-62, c. 81, s. 187 (7), <i>amended</i> .
Buildings in proximity to mine entrance	189. Unless there is first provided a second means of exit from the mine workings, no building of other than fire-resistive construction shall be erected within fifty feet of any closed-in part of a headframe or

portalhouse, except that the building housing the hoist and power plant equipment may be erected within this distance so long as such distance is not less than thirty-five feet. 1961-62, c. 81, s. 188.

190. No steam boiler or diesel engine shall be installed in such a manner that any part thereof is within seventy-five feet of the centre line of the collar of a shaft or other entrance to a mine. 1961-62, c. 81, s. 190. Location of boilers and diesel engines

191. No gasoline or other internal combustion engine using highly volatile liquids or flammable gases shall be installed within fifty feet of the building housing the hoist nor within 100 feet of the centre line of the collar of a shaft or other entrance to a mine. 1961-62, c. 81, s. 191. Location of internal combustion engines

192.—(1) Except for the actual fuel tanks of operating equipment, no storage of gasoline or liquid fuel shall be permitted within 100 feet of the collar of a shaft or other entrance of a mine. Storage of liquid fuels

(2) The natural drainage from such a location shall be such that the flow is in a direction opposite to the location of any such shaft or mine entrance. 1961-62, c. 81, s. 192. Idem

193.—(1) Where practicable, there shall be a sufficient number of suitable fire doors installed underground to cut off the shaft and the mine openings directly associated with it from the other workings of the mine. 1961-62, c. 81, s. 195 (1), *amended*. Fire doors

(2) Fire doors shall be maintained in proper order and kept clear of all obstructions so as to be readily usable at all times. 1961-62, c. 81, s. 195 (2). Properly maintained

194. Where the chief engineer deems it necessary or advisable for the protection of persons employed underground, he may order refuge stations to be provided and maintained at such places in the mine as he directs, and every such refuge station shall have water, air and telephone connections to the surface and be separated from the adjoining workings by closeable openings so arranged and equipped that gases can be prevented from entering the refuge station. 1961-62, c. 81, s. 196, *amended*. Refuge stations

Connection
between
mines

195.—(1) Where the chief engineer deems it necessary or advisable for the protection of persons employed underground, he may recommend in writing to the Minister that a connection between mines be established at such places as he deems advisable and he may further recommend that such connection be so made and equipped as to constitute a refuge station or refuge stations. 1961-62, c. 81, s. 197 (1), *amended*.

Idem

(2) Upon the approval by the Minister of any such recommendation, a copy thereof, accompanied by a copy of this section, shall be served personally upon or sent by registered mail to the owner or the agent and the manager of each of the mines affected. 1961-62, c. 81, s. 197 (2).

Committee

(3) Upon the approval of such a recommendation of the chief engineer, the Minister may in writing signed by him direct each of the mining companies concerned to appoint a representative to act in its behalf on a committee under the chairmanship of a third party, who shall be a mining engineer recommended by the chief engineer and appointed to the chairmanship of the committee by the Minister, and the committee shall determine,

(a) the design, specifications and location of the connecting passages, bulkheads or other structures to be constructed in order to safeguard the present and future operations of the mines affected;

(b) the work to be done by each of the mines affected and the proportion in which the cost of the work and of establishing and maintaining the connection shall be borne by the owners or agents of the mines affected;

(c) the time at which the work in compliance herewith shall be commenced and completed;

(d) the proportion in which the costs and expenses of the committee shall be borne by the owners or agents of the mines affected; and

(e) such other provisions or requirements as in the premises they deem necessary or advisable. 1961-62, c. 81, s. 197 (3), *amended*.

- (4) The committee shall submit a report in writing to ^{Idem} the Minister, and a report of the majority of the committee shall be deemed to be the finding of the committee.
- (5) Upon the approval by the Minister of the report of ^{Idem} the committee, the chief engineer may issue his order for the establishment and maintenance of such connection and refuge station or stations (if any are recommended) in accordance with the terms of the report.
- (6) A copy of the report shall be attached to the order ^{Idem} and forms a part thereof.
- (7) No such order is subject to appeal upon any ground ^{Idem} whatsoever and is enforceable in the same manner as any order of the chief engineer. 1961-62, c. 81, s. 197 (4-7).

FIRE PROTECTION — PLANTS

- 196.—(1) Suitable fire-fighting equipment shall be pro-^{Fire-}vided and maintained in or about every plant^{fighting} equipment building. 1961-62, c. 81, s. 182 (1), *amended*.
- (2) Procedures for fighting fire in plant buildings shall be ^{Idem} drawn up and suitable signs pertaining to and excerpts from the procedures shall be kept posted in prominent places. 1961-62, c. 81, s. 174 (3), *amended*.
- (3) A properly authorized person or persons shall make a ^{Idem} monthly inspection of all fire-fighting equipment and shall make a report in writing to the manager stating that such examination has been made and certifying as to the conditions found. 1961-62, c. 81, s. 182 (3).
- 197.—(1) Where an internal combustion engine is installed ^{Exhaust of} at a plant, provision shall be made for safely con-^{internal}ducting the exhaust of such engine to a point well ^{combustion}outside the building. 1961-62, c. 81, s. 192 (1), *amended*.
- (2) The exhaust shall be so arranged as to avert the ^{Idem} possibility of fumes re-entering the building or entering the intake of an air compressor or contaminating the atmosphere of any adjacent buildings or mine workings. 1961-62, c. 81, s. 192 (2).

Transfer of
liquid
fuel

198.—(1) The fuel tanks of an internal combustion engine installed in a building shall be so arranged that the actual transfer of fuel to the fuel tank takes place at a point outside the building and the fuel is conducted to the tank in a tightly-jointed pipe or conduit.

Idem

(2) Similar provisions for the escape of displaced air from the fuel tank shall be made whereby the displaced air will be conducted to a safe point outside the building before being discharged into the atmosphere. 1961-62, c. 81, s. 194 (1, 2).

Dangerous
materials

199. Any dangerous, flammable or explosive material or substance in a solid, liquid or gaseous state or any combination of them, other than manufactured explosives and blasting agents, that is kept, stored or handled, in a plant,

(a) shall be kept in a container that is suitable having regard to the nature and state of the material or substance; and

(b) shall be kept apart or insulated from any reasonably foreseeable source of ignition or from temperatures likely to cause combustion,

and where the material or substance is kept, stored or handled for a purpose other than immediate use, it shall be kept, stored or handled,

(c) outside any building;

(d) in a building not used for any other purpose;
or

(e) in a fire-resistive compartment satisfactory to the district mining engineer as to location and construction. *New.*

Exits

200.—(1) All plant buildings, except those used for the storage of explosives and blasting agents, shall be provided with adequate and properly maintained means of egress, convenient to and having easy communication with all rooms, regularly occupied by a person, including,

(a) tower stairs of fire-resistive construction equipped with fire-resistive doors and hardware, satisfactory to an engineer, at each storey including the basement; and

- (b) where permitted by an engineer, metal or other non-combustible fire escapes consisting of exterior stairways with railings and with landings at each storey connecting directly with the interior of the building through metal or other fire-resistive doors.
- (2) No means of egress from a plant building shall be obstructed and no door to a fire escape, tower stair or other smoke-proof enclosure shall be prevented from closing or remaining closed. ^{Idem}
- (3) Notwithstanding that a door is locked to prevent ingress to a building or room, the door shall be deemed to be not locked, bolted or barred if it is provided with a mechanism for unlocking it quickly from the inside that requires no special skill, effort or previous knowledge for its operation. *New.* ^{Idem}

201. Where,

Dangerous
material

- (a) any grinding, polishing, screening or other process is likely to produce dust or other particles of such size or character and to such an extent as to be capable of producing a flammable mixture; or
- (b) any mixing, handling, dispensing or storage of any material is likely to produce a gas, vapour or mist of such character and to such extent as to be capable of producing a flammable mixture,

all practicable steps shall be taken to,

- (c) enclose the equipment used in the process;
- (d) prevent or remove any accumulation of dust, vapour, gas or mist that may escape from the enclosure;
- (e) exclude or effectively enclose all potential sources of ignition of the flammable mixture;
- (f) restrict the spread and effects of any burning or explosion by the provision of vents, baffles and chokes or other devices satisfactory to an engineer; and

- (g) when so directed by an engineer create and maintain an inert atmosphere in contact with dust or other particles mentioned in clause *a* or mixed with the gas, vapour or mist mentioned in clause *b*. *New*.

AID TO INJURED

- Stretchers 202.—(1) At every mine or plant, there shall be maintained a sufficient number of properly-constructed stretchers for the proper handling and transporting of persons who are injured.
- First aid supplies (2) There shall be provided and maintained at every mine or plant, for the treatment of any person injured such first aid supplies as are required by the regulations under *The Workmen's Compensation Act*, 1961-62, c. 81, s. 198, *amended*.
- R.S.O. 1960,
c. 437

ENVIRONMENTAL CONDITIONS

SANITATION — MINES

- Sanitary conveniences, mines 203. There shall be provided in the workings of a mine suitable sanitary conveniences in accordance with the following requirements:
1. Where persons are employed underground, one sanitary convenience for every twenty-five persons or portion thereof on any shift.
 2. The sanitary conveniences mentioned in item 1 shall be conveniently placed, having regard to the number of persons employed on the different levels, in a well-ventilated part of the mine.
 3. Where persons are employed at an open pit or a clay, sand or gravel pit or quarry, one sanitary convenience and one urinal for every twenty-five persons or portion thereof on any shift.
 4. The sanitary conveniences mentioned in items 1 and 3 shall be kept clean and sanitary and the content disposed of regularly. 1961-62, c. 81, ss. 206, 207, *amended*.

204. Any person depositing faeces in any place under-^{Idem}ground, other than in a sanitary convenience provided, is guilty of an offence against this Act. 1961-62, c. 81, s. 208.
205. A supply of potable water shall be provided in mine^{Drinking water} workings on surface and at points underground reasonably accessible to the working places. 1961-62, c. 81, s. 209, *amended*.
- 206.—(1) If persons are employed underground or in hot^{Dressing rooms} or dusty occupations on surface at a mine, suitable and sufficient accommodation, including supplies of clean, cold and warm water for washing themselves, shall be provided above-ground near the principal entrance of the mine to enable such persons to conveniently dry and change their clothes.
- (2) Such accommodation, unless of fire-resistive construction, shall not be nearer than fifty feet to a shafthouse or portalhouse and it shall not be located in a hoistroom or boilerhouse unless a separate, properly-constructed room is provided. 1961-62, c. 81, s. 210, *amended*.^{Idem, location}

SANITATION — PLANTS

- 207.—(1) There shall be provided in every plant suitable,^{Sanitary conveniences, plants} separate wash and toilet rooms for male and female persons that are conveniently accessible and in accordance with the following requirements:
1. Where fewer than six persons are employed, a room containing a wash basin and a flush toilet and having a door that has a locking device on the inside.
 2. Where six or more persons are employed, there shall be provided for the number of employees of each sex in a group itemized in column 1 of the Table not less than the number of separate flush toilets and separate wash basins for each sex opposite thereto in column 2.

TABLE

Item	COLUMN 1		COLUMN 2	
	No. of male Employees	No. of female Employees	No. of	
			Toilets	Wash-basins
1	1 to 9	1 to 9	1	1
2	10 to 24	10 to 24	2	2
3	25 to 49	25 to 49	3	3
4	50 to 74	50 to 74	4	4
5	75 to 100	75 to 100	5	5
6	Over 100	Over 100	Add one toilet and one wash basin for each additional thirty employees or fraction thereof.	

3. Notwithstanding item 2,

- i. in toilet rooms for more than nine male employees, urinals shall be substituted for not less than one-quarter and not more than one-half of the number of flush toilets required by item 2, or
- ii. in toilet rooms for more than nine female employees, urinals may be substituted for not more than one-half of the number of flush toilets required by item 2.

4. Subject to item 3, urinals or wash fountains in straight trough form and wash fountains in circular form may be provided in lieu of toilets or wash basins, as the case may be, and,

- i. where a circular wash fountain is provided, each twenty inches of its circumference is deemed to be the equivalent of one wash basin, and
- ii. where a urinal or wash basin in straight trough form is provided, each twenty-four inches of its length is deemed to be the equivalent of one toilet or one wash basin, as the case may be.

- (2) Where wash fountains or wash basins are provided, ^{Wash basins} they shall be supplied with hot and cold water from taps or outlets that are satisfactory to an engineer.
- (3) Water for washing purposes, ^{Hot water}
 - (a) shall not exceed 140° Fahrenheit at any outlet; and
 - (b) shall not be mixed directly with steam.
- (4) Where the municipality in which the plant is located ^{Where privies permissible} is not serviced by a water or sewage system and flush toilets cannot be provided, privies or other toilets satisfactory to an engineer shall be provided.
- (5) Every toilet for employees and every urinal for ^{Requirements for toilets} female employees shall occupy an individual compartment with a suitable door and lock and the compartment shall have a length of not less than four feet six inches and a width of not less than two feet eight inches.
- (6) The height of any compartment door, wall or partition ^{Idem} between toilets for employees and between urinals for female employees may be less than the height of the room but the top of the door or partition shall be not less than five feet six inches from the floor and the bottom not more than one foot from the floor.
- (7) Every compartment shall be supplied with a clothes ^{Idem} hook.
- (8) Every toilet room and washroom shall be adequately ^{Lighting} lighted and kept in good repair and in a sanitary condition.
- (9) Toilets, urinals and other sanitary conveniences shall ^{Repair} be kept in good repair and in a sanitary condition.
- (10) Toilet rooms and washrooms shall, ^{Requirements for toilet rooms and washrooms}
 - (a) have legible signs indicating for which sex the room is provided and be constructed so as to prevent a view of the facilities from outside

the room and so as to prevent, as far as is practicable, accidental entry into the room by a person of the opposite sex;

- (b) have provided and maintained for the use of persons a convenient and sufficient supply of clean towels or suitable air dryers, soap or other suitable cleansing agent, toilet paper and in each toilet room used by females a suitable covered receptacle;
- (c) be, where separated, adjacent and connected with a door or doorway;
- (d) have a ceiling height of not less than eight feet with the enclosing walls extended to the ceiling and constructed of material impervious to liquid to a height of not less than four feet;
- (e) have mechanical exhaust to the outdoors at a volume of not less than two cubic feet per minute for each square foot of the floor area of the room, or that have windows or skylights so constructed that, for each toilet and for each urinal in the room, not less than two square feet of the window or skylight can be opened;
- (f) have an opaque window or skylight where necessary to ensure privacy;
- (g) have smooth floors of terrazzo, vitrified tile, mastic tile, asphalt or other equally non-absorbent, easily cleaned material. *New.*

Drinking
water

208. There shall be provided:

1. A supply of potable water in a place where the tap or outlet is distant from any sanitary convenience and, where the supply is not taken directly from a water pipe, the supply shall be contained in a covered vessel having a drain faucet and shall be renewed at least daily.
2. Where the potable water is not delivered in an upward jet from which the employees can

conveniently drink, a sufficient supply of individual drinking cups located near the tap or outlet.

3. Except where otherwise permitted by an engineer, at least one tap or outlet for drinking water on every floor where work is regularly performed and within 300 feet of every employee's normal work station. *New.*

209. There shall be provided:

Change
rooms

1. Such dressing rooms as an engineer may direct.
2. Suitable accommodation for clothing not worn by employees during working hours and for work clothes that must be kept separate from street clothes because of the presence of poisonous, irritating or infectious materials.
3. Where necessary, adequate facilities for drying work clothes. *New.*

210.—(1) There shall be provided where thirty-five or more persons are employed or working in a plant, or an engineer so directs in writing, a room, area or place for eating purposes together with equipment satisfactory to an engineer. ^{Lunch areas}

- (2) The employer shall ensure that no person takes food into or eats in a room, area or place where any poisonous substances are exposed or where deleterious vapours, mists, fumes, dust or gases are known to be present or any room, area or place designated by an engineer, and shall ensure that potable water in any such room, area or place is taken directly from a water pipe or fully enclosed container. ^{Idem}

- (3) No person shall take food into or eat in a room, area or place referred to in subsection 2. ^{Idem} *New.*

211. An engineer may, with respect to a plant in operation before the requirements of sections 207 to 210 came into force, permit the continued use of such sanitary facilities satisfactory to him that are in use therein notwithstanding that such facilities do not comply with the requirements of the said sections. ^{Existing plants} *New.*

Lighting

212. Sufficient and suitable natural or artificial lighting without unnecessary glare or shadows shall be provided and maintained where persons are working or passing in a plant. *New.*

VENTILATION AND DUST CONTROL — MINES

Pure air
required

- 213.—(1) The ventilation in every mine shall be such that the air in all of its workings, which are in use shall be free from dangerous amounts of noxious impurities and shall contain sufficient oxygen to obviate danger to the health of anyone employed in the mine.

Mechanical
ventilation
systems

- (2) In mine workings where air as described in subsection 1 cannot be obtained by natural ventilation, approved means for mechanical ventilation shall be provided and kept in operation until the workings have been abandoned or until satisfactory natural ventilation has been brought about therein. 1961-62, c. 81, s. 203 (1, 2), *amended.*

Use of
fans

- (3) All structures containing fans used in connection with the underground ventilation of a mine shall be of such construction as to reduce the fire hazard to a minimum. 1961-62, c. 81, s. 203 (3).

Heating
mine
air

- (4) Any proposed method of heating the underground mine ventilating air shall be submitted for approval to the district electrical-mechanical engineer.

Direct-
fired
heaters

- (5) Any proposed method of heating air at a mine, using a direct-fired heater, shall have the design approved by the Department of Energy and Resources Management prior to final acceptance by the chief engineer. *New.*

Under-
ground
workings,
examination
of air

- (6) Underground workings that are not in a positive ventilation circuit shall be examined before being used in order to ascertain whether dangerous gases have accumulated there or whether an oxygen deficiency exists, and only such persons as are necessary to make the examination shall be allowed to proceed to such places until the workings are safe to work or travel in.

Idem

- (7) Such workings shall be barricaded off and posted with signs which warn persons of the hazard.

Idem

- (8) Only authorized persons shall enter such posted workings. 1961-62, c. 81, s. 204, *amended.*

- (9) No internal combustion engine shall be installed or operated in a shaft or adit or in any working in connection with a shaft or adit unless permission in writing from the chief engineer is first obtained. ^{Internal combustion engine under-ground} 1961-62, c. 81, s. 205 (1).
- (10) Every place in a mine, where drilling, blasting or other operations produce dust in dangerous quantities, shall be adequately supplied at all times with clean water under pressure or other approved appliance for laying, removing or controlling dust. ^{Keeping water supply to lay dust}
- (11) A development heading, such as a drift, cross-cut, raise or sub-drift, shall be furnished with an approved water blast which shall discharge within an effective distance of the face being advanced and shall be applied so as to wet the area for at least fifteen minutes after blasting, and, if such area is not thoroughly wetted prior to the entry of any person it shall be wetted down as soon as possible. ^{Approved water blast} 1961-62, c. 81, s. 280 (1, 2).
- (12) A fresh air supply independent of the air supplied to any machine or drill used therein shall be provided, ^{Auxiliary air supply}
- (a) in every raise;
 - (b) in every sub-drift over twenty-five feet in length; and
 - (c) in every stope with one entry and no through ventilation,
- and such fresh air supply shall be controlled outside or at the beginning of the heading, and the air shall be turned on by the blaster after he has detonated any blast in the heading. 1961-62, c. 81, s. 280 (3), *amended*.
- (13) Before returning to the scene of a blasting operation, every person shall assure himself that sufficient air has been introduced into the working place to drive out or dilute to a safe degree the gases produced in the blasting operation. ^{Ventilation of working places after blasting} 1961-62, c. 81, s. 249, *amended*.
- (14) The times for blasting shall be so fixed that persons shall be exposed as little as practicable to dust and smoke. ^{Time for blasting} 1961-62, c. 81, s. 281, *amended*.

VENTILATION AND DUST CONTROL — PLANTS

- Pure air required 214.—(1) There shall be provided a positive supply of fresh air into, and provision for the removal of vitiated air from, a plant building that is sufficient to keep the air reasonably pure and to render harmless, so far as is reasonably practicable, all gases, vapours, dusts or other impurities that are likely to endanger the safety of any person therein.
- Direct-fired heaters (2) Any proposed method of heating air at a plant, using a direct-fired heater, shall have the design approved by the Department of Energy and Resources Management prior to final acceptance by the chief engineer.
- Mechanical ventilating systems (3) There shall be provided and used, where a process is carried on that produces a gas, vapour, dust or other impurity that is likely to be inhaled to an injurious extent by persons in the plant building, such mechanical means satisfactory to an engineer, as are capable of,
- (a) preventing, as far as is reasonably practicable, such inhalation;
 - (b) effectively carrying off and disposing of such gases, vapours or dusts; and
 - (c) preventing, as far as is reasonably practicable, the recirculation and re-entry of air containing such impurities.
- Personal protective equipment (4) Where required, suitable personal protective equipment shall be worn by any person exposed to any hazard mentioned in subsection 3.
- House-keeping (5) Any place in a plant where dust may accumulate shall be regularly cleaned by vacuum, wet sweeping, wet shovelling or other method that reduces the dissemination of dust into the atmosphere.
- Abrasive blasting (6) Abrasive blasting or other like operations inside a plant shall be conducted inside an enclosure so constructed and ventilated as to effectively prevent dust from entering the atmosphere of a plant building,
- (a) if this is impracticable; or
 - (b) where the operation is likely to produce silica or other harmful dusts in the atmosphere of the plant,

the person conducting the operation and other persons in the affected area shall wear suitable breathing apparatus.

- (7) Suitable precautions shall be taken to ensure that any tank, vat, chamber, pit, pipe, flue or confined space in a plant that may be entered by any person, ^{Confined spaces and tanks}
- (a) has a suitable man-hole or other means of easy egress from all accessible parts of the confined space; and
 - (b) is safe for entry.
- (8) Any container referred to in this section shall be tested by a qualified person, who shall record the result of each test conducted by him, and these records shall be available to an engineer. ^{Containers}
- (9) Where any container referred to in this section has been tested and found, ^{Idem}
- (a) unsafe for entry; or
 - (b) safe for entry, but may thereafter become unsafe to remain in or enter,

no person shall enter or be allowed to enter or remain in such container unless,

- (c) the person is using a suitable breathing apparatus and wearing a safety belt or safety harness, the free end of the rope of which is held by a person, equipped with a suitable alarm, who is keeping watch outside the container and who is capable of pulling the person from the confined space; and
- (d) the person entering the container is using such other equipment necessary to ensure his safety; and
- (e) there is conveniently available a person adequately trained in artificial respiration. *New.*

PROTECTION IN MINES AND PLANTS

215. Where any gas, liquid, vapour or dust is at a pressure other than atmospheric pressure, no person shall open or be allowed to open its container unless, ^{Dangerous pressures}

(a) before any fastening of the container and of any container connected therewith is loosened, any flow into or out of such container is effectively stopped; and

(b) before any fastening of the container is removed, all practicable steps are taken to adjust the pressure of gas, vapour, liquid or dust in the container so that the pressure equals atmospheric pressure,

and if any such fastening has been loosened or removed, it shall be securely replaced before any gas, vapour, liquid or dust is permitted to enter the container.

Plastic
piping

216. Plastic pipe used with a pressure in excess of 50 pounds per square inch shall be approved by the district engineer.

Transfer of
liquids or
solids by
compressed
air

217. The transfer of liquids or solids, including fuels, from one location or container to another location or container by the application of air under pressure shall not be permitted, except where properly-designed and tested equipment is used for this purpose. 1961-62, c. 81, s. 431, *amended*.

PROTECTION IN PLANTS

Open tanks,
vats, etc.

218.—(1) Every tank, vat or other container for holding a liquid, the top edge of which is less than three feet six inches above the highest floor, ground or platform from which a person might fall into it, shall be securely covered or securely fenced to at least three feet six inches above such floor, ground or platform.

Silos,
hoppers,
etc.

(2) Every silo, bin, hopper or other container or structure that is constructed to discharge from the bottom dry bulk material contained or stored in it, shall have the top of the silo, bin, hopper, structure or container,

(a) provided with a solid cover; or

(b) guarded with a metal grating or bars; or

(c) traversed by a gangway; or

(d) encircled or encompassed at its perimeter by a floor or platform.

- (3) Where, in the opinion of an engineer, the provisions of subsection 1 or 2 are not practicable, other practicable means satisfactory to the engineer shall be taken to prevent any person from falling into the container. Other safety precautions
- (4) Any stair, gangway or platform above, across, inside or outside a container referred to in subsection 1 or 2 shall be, Gangways, etc.
- (a) at least twenty-two inches wide;
 - (b) provided with an upper rail and either an intermediate rail and toe board or equivalent protection on both sides to a height of not less than three feet six inches; and
 - (c) securely fixed.
- (5) Any covering, fencing, stair, gangway or platform mentioned in this section shall be maintained in a safe condition. Duty to maintain
- (6) No person shall enter or be allowed to enter or remain in any silo, bin, hopper, or other container or structure for containing or storing bulk material unless, Precautions on entry
- (a) all further supply of material thereto is stopped and proper precautions are taken to prevent any further supply; and
 - (b) the person is wearing a safety belt or safety harness, and at least one other person, equipped with a suitable alarm, is in constant attendance, outside the container, who is capable of rendering any necessary assistance. *New.*
- 219.—(1) Before any person is allowed to work on a stock pile of ore, limestone, coke or other material, the stock pile shall be inspected by some authorized person whose duty it is to see that it is in a safe working condition. 1961-62, c. 81, s. 436, *amended*. Inspection of stock pile
- (2) No person shall work or be allowed to work on or near any bulk material that is packaged or other material that is so piled and disposed as to be likely to endanger his safety. *New.* Working near bulk materials
- (3) There shall be provided two exits from a tunnel under a stockpile. *New.* Exits from tunnels under stockpiles

Protection
from
overhead
operations

220. No person shall be employed in a location where another person is working overhead unless such measures for protection are taken as the nature of the work requires. 1961-62, c. 81, s. 258, *amended*.

Passage-
ways

- 221.—(1) All passageways and other walking surfaces in a plant shall be maintained in a safe condition and free from obstructions.

Floor
openings

- (2) Every opening in a floor or other surface in a plant building that may be used by a person shall be,
- (a) protected by a guardrail; or
 - (b) covered with securely fastened planks or other material capable of supporting any load likely to be imposed thereon.

Safe floor
loading

- (3) The maximum safe load that a floor or roof of a plant is capable of bearing shall be conspicuously marked or posted to the satisfaction of an engineer when so directed by him.

Ladders

- (4) Except for approved access ladders to equipment, no ladder shall be installed in a plant at an inclination of more than 70 degrees to the horizontal. *New*.

Antidotes
and
washes

- 222.—(1) At every plant where poisonous or dangerous compounds, solutions or gases are used or produced, there shall be kept in a conspicuous place, as near the compounds, solutions or gases as is practicable, a sufficient supply of satisfactory antidotes and washes, and there shall be installed eye wash fountains and, where necessary, safety showers, for treating injuries received from such compounds, solutions or gases.

Idem

- (2) Such antidotes and washes shall be properly labelled and explicit directions for their use affixed to the boxes containing them. 1961-62, c. 81, s. 427, *amended*.

Storage,
production,
etc., of
acids,
poisons

- 223.—(1) Where an acid or poisonous compound or any other material that is likely to endanger the health of an employee is produced, transferred, used or stored in a plant, due provision shall be made to reduce to a minimum the hazard of handling or storing such material.

Personal
protective
equipment

- (2) Where the provisions taken under subsection 1 do not remove the hazard, personal protective equipment shall be worn by the person exposed to the hazard.

- (3) Where such material is present, there shall be posted ^{Notice} in a conspicuous place, when so required by the chief engineer, notices stating the dangers involved and the precautions to be taken.
- (4) Where required, the employer shall provide the ^{Information} chief engineer with accurate information regarding the percentage of any harmful ingredient in such material.
- (5) Any person who, for use in a plant, manufactures, ^{Labels} distributes or purchases any material that contains benzol, carbon tetrachloride, lead or other ingredient that is deemed dangerous to health by the chief engineer, shall indicate the presence of such ingredient by a label lettered in legible type, distinctly visible and affixed to each package or container thereof.
- (6) The chief engineer, on the advice of the director of ^{Medical examination} the Environmental Health Branch of the Department of Health, may require at specified intervals by qualified physicians and at the expense of the employer a physical examination of any person employed in a plant having a process that the chief engineer considers is likely to endanger such person's safety, and the physician shall forthwith send or cause to be sent to such director a report of the examination in a form suitable to the chief engineer.
- (7) The examination required under subsection 6 shall be ^{Idem} prescribed by such director and may include an x-ray examination and blood or other tests. *New.*

HANDLING MOLTEN MATERIALS

- 224.—(1) Persons employed in a plant in the handling of ^{Shields for protection against burning} molten materials shall be supplied with suitable shields and appliances to protect them as far as possible against being burned.
- (2) It is the duty of all such persons to use the shields ^{Idem} and appliances. *New.*
- 225.—(1) There shall be maintained in readily accessible ^{Rescue apparatus} places at all plants, where the atmosphere may contain dangerous concentrations of poisonous gases or vapours, detection equipment, breathing apparatus and portable resuscitating apparatus of approved type, with an adequate supply of material for the proper operation of the apparatus.

- Trained personnel (2) There shall also be on duty in each working shift one or more persons appointed by the manager and trained in the use of breathing and resuscitating apparatus. 1961-62, c. 81, s. 451, *amended*.
- Scale cars 226. Each scale car shall be provided with an audible warning alarm that shall be sounded by the operator each time a car is started, or each car shall be equipped with an automatic mechanical warning alarm that will sound when the car is moved. 1961-62, c. 81, s. 437.
- Pouring of hot materials 227.—(1) Every effort shall be made to prevent molten material from coming into accidental contact with cold, damp or rusty surfaces where such contact may cause an explosion. 1961-62, c. 81, s. 438 (2).
- Examination of moulds, etc. (2) Every ladle or slag pot shall be examined before molten material is placed therein. 1961-62, c. 81, s. 438 (1).
- Filling of moulds, etc. (3) When molten material is transported by mechanical means in ladles or slag pots and the safety of persons may be endangered from splashing, every effort shall be made to ensure that the ladles or slag pots are not filled above a point four inches below the top of the ladle or slag pot.
- Idem (4) If such limit is exceeded, the ladle or slag pot shall not be moved until the supervisor or other responsible person has warned the persons required to handle the ladle or slag pot of this condition and has warned all other persons in the vicinity. 1961-62, c. 81, s. 439, *amended*.
- Blast furnaces 228.—(1) Whenever it becomes necessary for a person to go above the casting floor of an operating furnace, excepting the access to the crane cab or runway and not adjacent to the furnace and having direct egress to the outside, such person shall notify the foreman, or other responsible person, who shall see that there is always a second person in attendance whose duty it is to remain outside the gaseous area and act as a watcher and give the alarm to the casthouse or stockhouse and render every possible assistance in case of gassing or other danger. 1961-62, c. 81, s. 444, *amended*.
- Safety belts (2) Safety belts shall be provided and maintained in a readily accessible place for immediate use in case it becomes necessary to rescue a person from the top

structure of a furnace or the ancillary equipment in a plant. *New.* Protection from bustle pipes

- (3) All bustle pipes shall be provided with safe working platforms equipped with hand-rails at least three feet six inches in height and, wherever practicable, the platform shall not rest directly on the bustle pipe, but shall be supported on angle bars, so that the floor plate will not become sufficiently hot to cause burns to a person falling on it. 1961-62, c. 81, s. 445 (1), *amended.*
 - (4) Access to the platform shall be by a stairway provided with hand-rails. 1961-62, c. 81, s. 445 (2). Idem
 - (5) A suitable line of communication by telephone, gong, or other mechanical means, shall be maintained between the furnace top, and all other dangerous places, to the cast-house, skip operator's room or other place where persons are continuously on duty. 1961-62, c. 81, s. 446, *amended.* Line of communication
 - (6) A suitable ladderway or stairway shall be provided from the foundation to the top of the furnace. 1961-62, c. 81, s. 447. Stairways and ladderways
 - (7) Unless an approved type of elevator is provided as a means of travel to the furnace top, stairways shall be installed at an angle not greater than 50 degrees from the horizontal and shall be provided with landings or turnouts at intervals of not more than twenty-five feet, measured on the slope, so that it will not be possible for a person to fall from the top to the foundation below. 1961-62, c. 81, s. 448, *amended.* Stairways protected
 - (8) When ore becomes frozen or jammed in the furnace hopper or bell and a person is required to bar the ore into the furnace, a suitable guard-rail shall be provided to prevent the person from slipping on to the bell. 1961-62, c. 81, s. 450, *amended.* Protection around bell
229. Every supervisor shall personally attend, or appoint a competent person to supervise, any work around a blast furnace in a plant that involves unusual accident hazard, such as, Supervision of hazardous work around furnaces
- (a) work in gas mains or cleaners, tearing out linings, relining, work in the casthouse, work about the stoves, when blowing in or blowing out, and any work about the bells or stock line;

- (b) when the furnace is known to be hanging and liable to slip, he shall see that no person is allowed on top for any purpose; or
- (c) when work beyond that of normal inspection and minor maintenance is to be conducted at the furnace top structure,
 - (i) the blast furnace shall be shut down and the area cleared of operating personnel,
 - (ii) the proper work order shall be obtained from the supervisor,
 - (iii) before the repair work is begun, the area shall be tested for toxic gas and such tests shall be continued as necessary for the protection of the personnel,
 - (iv) breathing apparatus, safety ropes and any additional rescue equipment as necessary shall be available. 1961-62, c. 81, s. 449, *amended*.

HAULAGE — ON SURFACE AND UNDERGROUND

Interpre- tation

230.—(1) In this Part,

- (a) “motor vehicle” means a truck, automobile or any other vehicle propelled or driven otherwise than by muscular power, and includes trackless haulage equipment;
- (b) “vehicle” includes a motor vehicle and every vehicle drawn or propelled by muscular power.

Warning equipment

- (2) Every locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped with a suitable audible signal that shall be maintained in proper working condition. 1961-62, c. 81, s. 297 (1), *amended*.

Warning equipment to be used

- (3) The audible signal on a locomotive or motor vehicle when used in an enclosed building at a mine or plant or underground at a mine shall be sounded where practicable when the vehicle starts to move and at such other times as warning of danger is required. 1961-62, c. 81, s. 299 (1), *amended*.

Warning device for backing up

- (4) Every motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped,

where practicable, with a suitable warning device which will operate automatically when the motor vehicle starts to move in reverse. *New.*

- (5) Except when used in adequately lighted buildings or areas, every locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped with a headlight or headlights that shall be maintained in proper working condition, and motor vehicles used for trackless haulage shall be equipped with a suitable tail-light or tail-lights that shall be maintained in proper working condition. 1961-62, c. 81, s. 297 (2). Headlight and tail-light
- (6) Every locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be equipped with suitable brakes. *New.* Brakes
- (7) No locomotive or motor vehicle used on surface at a mine or plant or underground at a mine shall be operated unless the brakes, steering, audible signals, lights and rear-vision mirrors, where applicable, are in satisfactory condition. *New.* Operating equipment to be in satisfactory condition
- 231.—(1) The control levers of storage battery and trolley locomotives used on surface at a mine or plant or underground in a mine shall be so arranged that the lever cannot accidentally be removed when the power is on. 1961-62, c. 81, s. 298. Control levers
- (2) No locomotive or motor vehicle used on surface at a mine or plant or underground in a mine shall be moved under its own power unless where it is manually operated, the operator is in proper position at the controls or, where it is operated by a remote control or automated system, the system is approved by the chief engineer. *New.* Control systems
- (3) No locomotive or motor vehicle used on surface at a mine or plant or underground in a mine shall be left unattended unless the controls have been placed in the safe position for parking and the brakes have been set. 1961-62, c. 81, s. 302. Unattended locomotives
- (4) The operating platform of a locomotive used on surface at a mine or plant or underground in a mine shall be provided with a suitable seat and an adequate guard for the protection of the motorman. 1961-62, c. 81, s. 299 (3), *amended.* Guard to protect motorman
- 232.—(1) Motor vehicle haulage equipment used on surface at a mine or plant or underground in a mine shall Wheel chocks

carry, where practicable, wheel chocks to be used to block movement on slopes when the equipment is left unattended or is undergoing maintenance.

Safety
support for
truck boxes

- (2) Every motor driven dump truck used on surface at a mine or plant or underground in a mine shall be equipped with a suitable safety support device, which shall be used when repairs or maintenance are conducted under a raised box. *New.*

Prohibitions
around
moving
machines

- 233.—(1) No operator shall leave the controls of his vehicle or machine unattended on surface at a mine or plant or underground in a mine while,

(a) the bucket of a front end loader, backhoe or other excavating machine;

(b) the blade of a bulldozer; or

(c) the load of a fork-lift truck, crane or other hoisting machine,

is in a raised position, except when it is suitably and safely supported.

Idem

- (2) No person on surface at a mine or plant or underground in a mine shall be under any part of a motor vehicle or other equipment in which the lowering of that part may endanger the person unless that part is safely blocked in such a way as to prevent its lowering.

Idem

- (3) No person on surface at a mine or plant or underground in a mine shall operate a crane or other hoisting machine in such a way that any part of its load may pass over a person other than the person receiving the load.

Idem

- (4) A person on surface at a mine or plant or underground in a mine receiving a load shall so far as is practicable position himself so that the load does not pass over him.

Idem

- (5) No person on surface at a mine or plant or underground in a mine shall operate a shovel, backhoe or similar excavating machine in such a way that it or any part of its load may pass over a person.

Idem

- (6) No person on surface at a mine or plant or underground in a mine shall remain on or in a motor vehicle where he might be endangered during the loading or unloading of the vehicle.

- (7) Where a motor vehicle on surface at a mine or plant ^{Idem} or underground in a mine is being backed up in a location where a person may be endangered by the vehicle backing up or where the driver may be endangered, another person shall be stationed to direct the driver in backing up the vehicle. *New.*
- 234.—(1) Every switch in a track on which cars are moved ^{Track condition} by motorized power on surface at a mine or plant or underground in a mine shall have the frog and guard rail entrances provided with a guard block if its construction is not such that the hazard of a person's foot being caught in it is reduced to a minimum.
- (2) All tracks in use on surface at a mine or plant or ^{Maintenance of tracks} underground in a mine shall be maintained in good working condition. 1961-62, c. 81, s. 409.

HAULAGE — UNDERGROUND

- 235.—(1) In motorized haulage underground in a mine, ^{Tail-light on trains} a suitable tail-light shall be used in conjunction with made-up trains. 1961-62, c. 81, s. 299 (2), *amended.*
- (2) Every self-propelled unit of trackless haulage equip- ^{Lights to show width of vehicle} ment used underground in a mine shall be equipped with suitable lights or reflectors that show in the direction of travel the width of the vehicle. 1961-62, c. 81, s. 297 (3).
- 236.—(1) In motorized haulage in any level, drift or ^{Riding on vehicles prohibited} tunnel in or about a mine, no unauthorized person shall ride on any vehicle. 1961-62, c. 81, s. 300 (1), *amended.*
- (2) Special trips for persons only shall be made on ^{Idem} approved vehicles. 1961-62, c. 81, s. 300 (2).
- 237.—(1) On every level of a mine on which motorized ^{Clearance and safety stations} track haulage is employed, a clearance of at least eighteen inches shall be maintained between the sides of the haulageway and the cars or locomotive, or there shall be a clearance of twenty-four inches on one side, or safety stations shall be cut every 100 feet. 1961-62, c. 81, s. 301 (1), *amended.*
- (2) Such safety stations shall be plainly marked. 1961- ^{Idem, marking} 62, c. 87, s. 301 (2).
- (3) On every level of a mine on which motorized track- ^{Clearance for trackless haulage} less haulage equipment is employed, a minimum total clearance of five feet shall be maintained between the sides of the haulageway or workings and the motorized equipment.

Idem, plus
pedestrian
travel

- (4) On every level of a mine regularly used both for pedestrian traffic and motorized trackless haulage where there is a total minimum clearance of less than seven feet, safety stations shall be cut at intervals not exceeding 100 feet and they shall be plainly marked. 1961-62, c. 81, s. 301 (3, 4), *amended*.

Travelways
clear of
obstructions

- (5) All regular travelways in or about a mine shall be maintained clear of debris or obstructions that are likely to interfere with safe travel. 1961-62, c. 87, s. 301 (5).

HAULAGE — ON SURFACE

Guard-rails
at track
approaches

- 238.—(1) Guard-rails shall be placed at the approach to tracks on surface at a mine or plant where motorized haulage is used and where the view of the tracks is obstructed in one or both directions.

When im-
practical

- (2) Where restricted clearances make the use of guard-rails impractical in the opinion of the district mining engineer, he may permit such guard-rails to be omitted but shall require that there be installed at the track approaches a suitable type of warning signal that will automatically give adequate, audible and visible warning at all times of the approach of the conveyance, or that a switchman shall walk ahead of the leading conveyance on the track when the conveyance is in dangerous proximity to the area requiring guarding and stand guard at such approaches. 1961-62, c. 81, s. 434, *amended*.

Side clear-
ance,
haulage

- 239.—(1) Where motorized haulage is used on surface at a mine or plant and the clearance between the sides of conveyances on parallel tracks or between the sides of conveyances and the side of a building or other structure is less than eighteen inches, the location shall be plainly marked showing the danger. 1961-62, c. 81, s. 440, *amended*.

Overhead
clearance

- (2) At the approach to an overhead bridge, pipe line or a similar structure on a standard-gauge railway track at a mine or plant where the clearance is less than six feet between the top of a railway car and the underside of the structure, a "low bridge" warning device shall be installed. 1961-62, c. 81, s. 441, *amended*.

Overhead
hazards

- (3) Where the operator may be exposed to overhead hazards at a mine or plant, a cab, screen or other adequate overhead protection shall be provided on,

- (a) a power-driven crane, shovel or similar machine;
- (b) a fork-lift truck; and
- (c) a front-end loader or other excavating machine. *New.* ^{Rear-vision mirrors}

240. Motor vehicles operating on surface at a mine shall be equipped, where practicable, with rear-vision mirrors. *New.*

PROTECTION FROM MACHINERY — MINES AND PLANTS

^{Interpre-}
tation

241. In this Part,

- (a) “lifting device” means a device that is used to raise or lower any material or object and includes its rails and other supports but does not include a device to which the provisions of this Part governing elevators or construction hoists apply;
- (b) “prime mover” means an initial source of motive power;
- (c) “transmission machinery” means any object by which the motion of a prime mover is transmitted to a machine that is capable of utilizing such motion, and includes a shaft, pulley, belt, chain, gear, clutch or other device. *New.*

242.—(1) Clearances adequate for the safety of persons shall be maintained in a mine or plant between the moving part of any machine or any material carried by the moving part and any other machine or structure. ^{Clearances}

(2) Adequate lighting shall be provided for all persons who are required to work near or about machinery in a mine or plant. ^{Lighting}

(3) Every prime mover, machine, transmission machinery or device that is dangerous to the safety of any person in a mine or plant shall be safely fenced or guarded, ^{Fences, guards}

- (a) unless its position, construction or attachment assures the same protection as if it were safely fenced or guarded; or

- (b) unless it is provided with a safety device that automatically prevents a person operating it from coming into contact with any dangerous part.

Idem

- (4) Every set screw, bolt or key on any revolving shaft, spindle, wheel or pinion connected to or forming part of or appurtenant to any machine, transmission machinery or device in a mine or plant shall be so recessed, encased, located or otherwise effectively guarded as to prevent injury to any person.

Repairs

- (5) No person shall, or shall be permitted to clean, oil, adjust, repair or perform maintenance work on any machine, transmission machinery or device in a mine or plant while it or any part of it that is likely to endanger the safety of any person is in motion, except when such work is not practicable while the machine, transmission machinery or device is stopped.

Starting

- (6) No person shall work or be allowed to work where the starting of a machine, transmission machinery or device in a mine or plant is likely to endanger the safety of any person, due to electrical hazard or exposure to moving parts,

(a) unless prior to doing repair or maintenance on electrically driven machinery, the person has made arrangements to ensure that the disconnect switch or switches supplying power to the machinery are opened and tagged or locked in accordance with section 435; or

(b) unless, for other than electrically driven machinery, precautions have been taken to prevent such starting. *New.*

Grinding
wheels
to be
guarded

- 243.—(1) Every stationary power-driven grinding wheel in a mine or plant shall be provided with a suitable hooded guard. 1961-62, c. 81, s. 404 (1), *amended*.

Idem

- (2) Such guard shall be adjusted close to the wheel and extended forward, over the top of the wheel, to a point at least 30 degrees beyond a vertical line drawn through the centre of the wheel. 1961-62, c. 81, s. 404 (2).

Runways
to have
hand-
railing

244. Every runway or staging in a mine or plant that is more than five feet from the floor and used for oiling or any similar purpose shall be provided with a hand-railing. 1961-62, c. 81, s. 406, *amended*.

245. Every counterweight in a mine or plant shall be ^{Counter-weights} situated or guarded so as to reduce to a minimum the hazard of injury to a person along its travel or should it become detached from its fastenings.
246. Persons engaged in dangerous proximity to moving ^{Wearing loose clothing} machinery in a mine or plant shall not wear or be allowed to wear loose outer clothing. 1961-62, c. 81, s. 405, *amended*.
- 247.—(1) The rated working load of every lifting device ^{Lifting devices} in a mine or plant shall be plainly marked on the device.
- (2) No lifting device in a mine or plant shall be loaded ^{Idem} beyond its rated working load, except for the purpose of a test.
- (3) No cable, chain, rope, sling, ring, hook, shackle, ^{Idem} swivel or other part of a lifting device in a mine or plant shall be used unless it is of good construction, sound material and adequate strength to safely support the maximum load to which it is likely to be subjected, and is properly maintained.
- (4) Every lifting device in a mine or plant shall be ^{Idem} thoroughly examined at least annually by an authorized person.
- (5) All rails in a mine or plant on which a lifting device ^{Idem} moves shall be of proper size and properly laid and maintained and have an even running surface.
- (6) No newly-installed lifting device in a mine or plant ^{Idem} shall be used until it has been thoroughly tested and examined by an authorized person. *New*.

WELDING AND BURNING — MINES AND PLANTS

- 248.—(1) All persons exposed to the hazard of radiation ^{Radiation protection} from welding or burning operations in a mine or plant shall use protective helmets, goggles, or other devices.
- (2) When welding or burning operations in a mine or plant emit harmful fumes, adequate ventilation shall be provided, or respirators shall be worn by persons ^{Ventilation or respiratory protection requirements} exposed to the fumes.
- (3) Persons shall do no welding or burning in a mine or plant where other persons may be exposed to radiation ^{Protection against electric welding arc} from the operation, unless such other persons

wear suitable eye protection or are protected by screens.

Hand and
arm pro-
tection

- (4) Gauntlet gloves and arm protection shall be worn by persons when electric welding in a mine or plant.

Fire
fighting
equipment

- (5) Suitable fire extinguishers shall be kept at hand during welding operations in a mine or plant, or other fire fighting equipment shall be readily available.

Location of
welding
equipment

- (6) Cylinders, piping and fittings of compressed and liquefied gas systems pertaining to welding and burning in a mine or plant shall be so located as to avoid physical damage to the cylinders, piping and fittings.

Flames

- (7) Persons shall guard against sparks or flames from coming in contact with cylinders, regulators or hoses of compressed-gas systems pertaining to welding and burning in a mine or plant and all charged cylinders shall be protected from excessive heat.

Leaks

- (8) Before using any gas-welding or burning equipment, persons shall ensure that all parts of the equipment are free from defects, leaks, oil or grease.

Cylinder
valves

- (9) Cylinder valves shall be closed when work is finished or cylinders are empty, and valve-protection covers shall be kept in position when the cylinder is not connected for use.

Containers

- (10) No welding, brazing, soldering or burning operation shall be conducted on any container that has been used to contain any explosive or flammable substance, unless all practicable steps have been taken to,

(a) remove the substance and any fume, gas, vapour or dust arising from it; or

(b) render the substance and any fume, gas, vapour or dust arising from it non-explosive or non-flammable,

and if such container has been subjected to any such alteration or repair, it shall be ensured that no explosive or flammable substance enters the container until the container has cooled sufficiently to prevent any risk of igniting the substance. *New.*

TRAVELLING CRANES — MINES AND PLANTS

- 249.—(1) In this section and in section 499, “crane” ^{Interpre-}
means a crane that travels on fixed tracks and is ^{tation}
operated from a cab mounted on the crane and which
may be radio controlled. 1961-62, c. 81, s. 401 (1),
amended.
- (2) No person under the age of eighteen years and no ^{Qualifica-}
person who has not had adequate experience on a ^{tions of}
crane shall be authorized to operate a crane in a ^{crane}
mine or plant. 1961-62, c. 81, s. 401 (7), *amended*. ^{operators}
- (3) Every crane in a mine or plant shall be equipped with ^{Warning}
a whistle, bell, gong or horn that shall be sounded at ^{devices}
such times as are necessary to give warning of the
approach of the crane to places where persons are
working or are liable to pass. 1961-62, c. 81, s. 401
(2), *amended*.
- (4) Where any person is on or near the wheel track of a ^{Where}
crane in any place in a mine or plant where the safety ^{crane}
of such person is likely to be endangered by the ^{endangers}
crane, the operator of the crane shall be warned of ^{person}
the presence of such person and the crane or any part
thereof shall not be allowed to approach within ten
feet of the place. *New*.
- (5) Every crane in a mine or plant shall be equipped with ^{Devices to}
suitable devices to prevent overwinding. ^{prevent}
^{overwind}
- (6) The manager of a mine or plant shall depute one or ^{Daily}
more qualified persons to examine daily such parts ^{examination}
of any crane or apparatus pertaining thereto upon ^{of cranes}
the proper working of which the safety of persons
depends.
- (7) A record of the examination and other regular main- ^{Record}
tenance examinations of any crane in a mine or plant ^{available}
shall be kept, signed by the person making the
examination, and such record shall be available to
the district electrical-mechanical engineer at all
times.
- (8) No person, other than the operator, shall be per- ^{Riding}
mitted to ride on a crane or any part thereof in a ^{prohibited}
mine or plant or on any material carried by the
crane, except for inspection, supervision, mainten-
ance or repair, or the instruction of a new operator.
1961-62, c. 81, s. 401 (3-6), *amended*.

CONVEYOR BELTS — MINES AND PLANTS

Conveyors,
belts

250.—(1) No person shall ride on a conveyor or belt in a mine or plant, other than an escalator or man-lift approved by the chief engineer.

Idem

(2) The following apply to installations of conveyor belts in mines and plants:

1. Where conveyorways are used as regular travelways, suitable means shall be provided to protect persons from material that may fall from the belt.
2. All conveyorways shall be provided with a walkway or some approved method of access for maintenance purposes.
3. Any accessible section of an electrically driven belt conveyor shall be provided with pull-cords to stop the conveyor in an emergency and such pull-cords shall reach from the head pulley to the tail pulley and all controls operated by these cords shall be of the manual-reset type.
4. Where required, an approved warning device shall be provided which will warn persons that the belt is about to start.
5. All head, tail, drive and tension pulleys shall be guarded at the pinch points and the length of such guards shall be extended to at least three feet from the pinch point. 1961-62, c. 81, s. 410, *amended*.

PROTECTION IN WORKING PLACES OF MINES

Overhead
operations

251. No person shall work in a location in a mine where another person is working overhead unless such measures for protection are taken as the nature of the work requires. 1961-62, c. 81, s. 258, *amended*.

Fencing
of shafts
and other
openings

252. The top of every working shaft in a mine shall be securely fenced or protected by a gate or guard-rail, and every pit or opening in a mine dangerous by reason of its depth shall be securely fenced or otherwise protected. 1961-62, c. 81, s. 260, *amended*.

- 253.—(1) At all shaft and winze openings on the surface ^{Gate at shaft entrances} and on every level in a mine, unless securely closed off, the hoisting compartments shall be protected by a substantial gate, which shall be kept closed except when the hoisting conveyance is being loaded or unloaded at such level.
- (2) The clearance beneath any such gate shall be kept to ^{Idem} a minimum.
- (3) Where haulage tracks lead up to a hoisting compartment on surface or underground, the gate on such compartment shall be reinforced in such a manner that it is sufficiently strong to withstand any impact imparted thereto by collision therewith of any locomotive train or car operated on such tracks. ^{Hoisting compartment gates}
- (4) Hoisting compartment gates shall be sufficiently ^{Idem} reinforced where there is a hazard of impact due to the approach of a motor vehicle. 1961-62, c. 81, s. 261, *amended*.
- 254.—(1) Every shaft and winze in a mine shall be ^{Shaft and winze timbering} securely cased, lined or timbered, and during sinking operations the casing, lining or timbering shall be maintained within a safe distance of the bottom. 1961-62, c. 81, s. 262 (1), *amended*.
- (2) In no instance shall such distance exceed fifty feet. ^{Idem} 1961-62, c. 81, s. 262 (2).
- (3) The guides, guide attachments and shaft casing, ^{Strength of guides, etc.} lining or timbering shall be of sufficient strength and shall be suitably designed, installed and maintained so that the safety catches referred to in section 324 may grip the guides properly at any point in the shaft. 1961-62, c. 81, s. 262 (3), *amended*.
255. There shall be provided a safe passageway and standing room for a person outside the shaft at all ^{Protection at shaft stations} workings opening into a shaft of a mine, and the manway shall in all cases be directly connected with such openings. 1961-62, c. 81, s. 263, *amended*.
- 256.—(1) Except during sinking operations, if material ^{Lining compartments at levels} is handled in a shaft or winze compartment of a mine, there shall be maintained around that compartment, except on the side on which material is to be loaded or unloaded, a substantial partition at the collar and at all levels. 1961-62, c. 81, s. 266 (1), *amended*.

Idem

- (2) Such partition shall extend above the collar and all levels a distance not less than the height of the hoisting conveyance plus six feet and it shall extend below the collar and all levels at least six feet and it shall conform to the size of the conveyance allowing for necessary clearances. 1961-62, c. 81, s. 266 (2).

Partition
between
manway
and hoisting
compart-
ments

257. The footway or ladderway in a shaft or winze of a mine shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 256, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. 1961-62, c. 81, s. 290, *amended*.

Counter-
weight com-
partment

258. Wherever a counterweight is used in a shaft or winze of a mine, it shall be safely enclosed, unless it travels on guides. 1961-62, c. 81, s. 267, *amended*.

Protection
in sinking
operations

259. During shaft-sinking operations in a mine, no work shall be done in any place in a shaft or winze while persons are working in another part of the shaft or winze below such place, unless the persons working in the lower position are protected from the danger of falling material by a securely-constructed covering extending over a sufficient portion of the shaft to afford complete protection. 1961-62, c. 81, s. 264, *amended*.

Open hooks
not to be
used

- 260.—(1) Open hooks shall not be used in conjunction with the suspension of any shaft staging of a mine. 1961-62, c. 81, s. 264, *amended*.

Idem

- (2) Open hooks shall not be used in connection with the suspension of any equipment or material in a shaft, winze, raise, or over a person in any location underground in a mine. *New*.

Protection
on shaft
inspection

- 261.—(1) No person shall do any work or conduct any examination in a compartment of a shaft or winze of a mine or in that part of the headframe used in conjunction therewith while hoisting operations, other than those necessary for doing such work or conducting such examination, are in progress in such compartment.

Idem

- (2) No person shall do any work or conduct any examination in a shaft or winze of a mine or in that part of a headframe used in conjunction therewith unless he is

adequately protected from accidental contact with any moving hoisting conveyance or counterweight or the danger of falling objects accidentally dislodged. 1961-62, c. 81, s. 268, *amended*.

262. Where in a mine the enclosing rocks are not safe, every adit, tunnel, stope or other working in which work is being carried on or through which persons pass shall be securely cased, lined or timbered, or otherwise made secure. 1961-62, c. 81, s. 269, *amended*. Timbering
mine
workings
- 263.—(1) Except where approved raising equipment is used, all raises in a mine that are to be inclined at over 50 degrees and that are to be driven more than sixty feet slope distance shall be divided into at least two compartments, one of which shall be maintained as a ladderway and shall be equipped with suitable ladders. 1961-62, c. 81, s. 271 (1), *amended*. Steeply-
inclined
raises
- (2) The timbering shall be maintained within a safe distance of the face and in no event shall the distance between the face and the top of the timbering exceed twenty-five feet. 1961-62, c. 81, s. 271 (2). Idem
- 264.—(1) Whenever chutes in a mine are pulled where persons are working or may enter at the time of pulling, the pulling area shall be marked by signs or the persons working in the vicinity shall be notified and, as pulling proceeds, proper precautions shall be taken to ascertain that the broken material is settling freely. 1961-62, c. 81, s. 272 (1), *amended*. Precautions
as to broken
material
- (2) When there is any indication of a hang-up, the location shall be adequately protected by suitable signs or barricades. 1961-62, c. 81, s. 272 (2). Idem
265. Unless the entrance to a stope in a mine is capable of being used as such at all times, a second means of entrance shall be provided and maintained. 1961-62, c. 81, s. 273, *amended*. Access to
stopes
266. The top of every mill hole, manway or other opening in a mine shall be kept covered or otherwise adequately protected. 1961-62, c. 81, s. 274, *amended*. Guarding
mill holes,
manways,
etc.
267. Wherever persons are working in a mine below a level in a place whose top is open to the level in close proximity to a haulageway or travelway, some person shall effectively guard the opening unless it is Guarding
open
workings

securely covered over or otherwise closed off from the haulageway or travelway. 1961-62, c. 81, s. 275, *amended*.

Guarding
tops of
raises

268. The tops of all raises or other openings to a level in a mine shall be kept securely covered, fenced off or protected by suitable barricades to prevent inadvertent access thereto. 1961-62, c. 81, s. 276, *amended*.

Scaling bars
and gads

269. There shall be provided and maintained in every mine an adequate supply of properly-dressed scaling bars and gads and other equipment necessary for scaling. 1961-62, c. 81, s. 278, *amended*.

Warning of
abnormal
conditions

- 270.—(1) Where there is non-continuous shift operation in areas of a mine, the on-coming shift shall be warned of any abnormal condition affecting the safety of operations.

Idem

- (2) Such warning shall consist of a written record over the signature of a responsible person on the off-going shift and shall be read and countersigned by the corresponding responsible person on the on-coming shift before persons are permitted to resume operations in the areas indicated in such record. 1961-62, c. 81, s. 282, *amended*.

Check-in,
check-out
systems

271. At every mine where persons are employed underground, a suitable system shall be established and maintained to check in all persons who have gone underground and to check out all persons who have returned to surface, and it is the duty of such persons to check in and to check out in accordance with such system. 1961-62, c. 81, s. 283, *amended*.

Signs de-
signating
repair work

272. Where repair work is in progress in a manway in a mine or conditions arise that may endanger travel through the manway, it shall be closed off or adequate signs designating its unfitness for travel purposes shall be posted at all entrances to it. 1961-62, c. 81, s. 284, *amended*.

Diamond-
drill holes

- 273.—(1) Diamond-drill holes shall be plotted on all working plans of levels of a mine.

Guarded
while
blasting
near

- (2) When an active mine heading is advancing toward a diamond-drill hole in a mine, the collar or the nearest points of intersection of the hole or both shall be

securely closed off or guarded at all times that blasting is being done within fifteen feet of any possible intersection of the hole.

- (3) The collar and any points of intersection of every ^{Marked} diamond-drill hole in a mine shall be plainly marked at the time that drilling is discontinued or an intersection made.
- (4) Such markings shall consist of a single capital letter ^{Idem, with letter "H"} "H" in yellow paint measuring twelve inches by twelve inches, which shall be placed within four feet of the collar or intersection. 1961-62, c. 81, s. 285, *amended*.
274. Where tailings are used for filling worked-out areas ^{Tailing used for fill} underground in a mine, the moisture contained in the tailings and the liquid draining off therefrom shall not have a higher cyanide content than .005 per cent expressed as cyanide of potassium. 1961-62, c. 81, s. 286, *amended*.

HANDLING WATER — MINES

275. Every working mine shall be provided with suitable ^{Removal of water from mine workings} and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might endanger the lives of persons in the mine or in any adjoining mine. 1961-62, c. 81, s. 199, *amended*.
276. Where there is or may be an accumulation of water ^{Precautions against flow of water} in a mine, any working approaching the same shall have bore holes kept in advance and such additional precautionary measures shall be taken as are deemed necessary to obviate the danger of a sudden breaking-through of the water. 1961-62, c. 81, s. 200, *amended*.
277. A suitable stopping shall be placed in every working ^{Protection at sump} shaft in a mine to prevent that part of the hoisting conveyance carrying persons from being inadvertently lowered into water in the sump of the shaft. 1961-62, c. 81, s. 201, *amended*.
- 278.—(1) In this section, ^{Interpretation}
- (a) "bulkhead" means any structure built for the purpose of impounding water or confining air under pressure in a drift, crosscut or any other

mine opening and constructed in such a manner as to completely close off such drift, crosscut or other mine opening;

- (b) "dam" means a structure built for the purpose of impounding water in a drift, crosscut or other mine opening and built in such a manner as to permit an unobstructed overflow of the water.

Location of
bulkheads
and dams

- (2) The location of every underground bulkhead and dam within the meaning of this section shall be clearly shown on the mine plans. 1961-62, c. 81, s. 202 (1, 2).

Permission
for dams

- (3) No dam behind which more than twenty-five tons of water may be impounded shall be constructed underground in a mine until application in writing is made to the district mining engineer and written permission is granted by the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by the chief engineer.

Permission
necessary
for
bulkhead

- (4) No bulkhead shall be constructed underground in a mine without the written permission of the chief engineer and then only when constructed in accordance with plans and specifications that have been approved by him.

Completion
of bulkhead

- (5) On the completion of the installation of a bulkhead in a mine, the manager shall immediately notify the chief engineer that it has been completed. 1961-62, c. 81, s. 202 (3-5), *amended*.

CARE AND USE OF EXPLOSIVES AND BLASTING AGENTS

Precautions
to be taken

279. Every possible precaution shall be taken in the handling and transportation of explosives and blasting agents at a mine or plant. 1961-62, c. 81, s. 241, *amended*.

Marking of
explosives

- 280.—(1) No explosive shall be used at a mine or plant unless there are plainly printed or marked on every original package containing the explosive the name and place of business of the manufacturer, the strength of the explosive and the date of its manufacture. 1961-62, c. 81, s. 280.

- (2) Only explosives in Fume Class I as established by the Explosives Division of the Department of Energy, Mines and Resources of Canada or explosives and blasting agents as permitted by the chief engineer shall be used underground in a mine. Fume classification of explosives
- (3) The preparation of a blasting agent at a mine or plant, except when prepared by a properly-authorized manufacturer of explosives or blasting agents, shall be done only with the permission in writing of the chief engineer. 1961-62, c. 81, s. 213, *amended*. Preparation of blasting agents
- (4) Every case of supposedly defective fuse, detonator or blasting cap or explosive shall be reported to the district mining engineer with the name and address of the manufacturer and accompanied, if available, by the packing slip from the original container of the fuses, detonators or blasting caps, or explosives, along with all other pertinent information available. 1961-62, c. 81, s. 214, *amended*. Defective explosives, etc., to be reported
- 281.—(1) Except as otherwise provided, all explosives, blasting agents, detonators and blasting caps shall be stored on surface at a mine or plant in special suitable buildings, such as magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses. Storage of explosives and blasting agents
- (2) Detonators, blasting caps or igniter cord shall not be stored in the same receptacle or storage building as other explosives or blasting agents. Storage of detonators, etc.
- (3) No such storage building shall be erected or maintained at a mine or plant without the written permission of the district mining engineer, nor until the site of the building and the style of structure have been approved by him. Permission necessary before construction
- (4) Such written permission shall state the maximum quantity and kind of detonators, explosives or blasting agents that may be stored in the building. Permission to state quantity
- (5) The permission shall be posted up in the building. Permission to be posted
- (6) Every such storage building shall be under the direction of the manager or a person authorized by him. 1961-62, c. 81, s. 215 (1-6), *amended*. Storage under authorized person
- (7) Explosives or blasting agents shall not be stored within 300 feet of a mine or plant main substation. Storage near power prohibited

Storage
near over-
head supply
lines

- (8) The minimum distance measured at ground level between an overhead supply line and explosives or blasting agents storages shall not be less than $1\frac{1}{2}$ times the length of one span between the supports of such line. *New.*

Location of
storage
buildings

- (9) Where possible, every such storage building shall be located in accordance with the British Table of Distances in respect of its distance from the mine or plant or any other building or any public road or railway.

Idem

- (10) Where conditions are such that it is impossible to locate any storage building in accordance with the British Table of Distances, the mine or plant manager and the district mining engineer shall jointly choose the most suitable location.

Storages
for blasting
agents

- (11) Storages for blasting agents may contain three times the quantity of blasting agents as compared to explosives set by the British Table of Distances.

Where
explosives
and blasting
agents
stored
together

- (12) Where explosives and blasting agents are stored together, the lesser limit of storage applies.

Materials
used in
storage
buildings

- (13) Every such storage building shall be constructed of such materials as to ensure as far as possible against accident from any cause.

Require-
ments to be
posted

- (14) The requirements in reference to the care and use of explosives and blasting agents shall be kept posted up inside every such storage building.

Buildings
locked,
and signs

- (15) Every such storage building shall be kept securely locked at all times that the attendant is not present and it shall be clearly indicated by one or more easily visible signs that explosives or blasting agents are stored therein.

Posting
of signs

- (16) Such sign or signs shall be posted beside the road approaches to the building at least eight feet above the ground and twenty-five feet distant from the entrance. 1961-62, c. 81, s. 215 (13), *amended*.

Storages
to be
clean, etc.

- 282.—(1) All explosive, blasting agent, detonator or fuse storages at or in a mine or plant shall be kept clean, dry and free from grit at all times. 1961-62, c. 81, s. 216 (1), *amended*.

- (2) Floors and shelves of magazines and thaw houses shall be treated with a suitable neutralizing agent, whenever necessary, to remove any traces of explosive substances. 1961-62, c. 81, s. 217. Floors and shelves
- 283.—(1) When supplies of explosives or blasting agents are removed from a magazine, those that have been longest in the magazine, if they are not defective, shall be used first. What explosives and blasting agents to be used first
- (2) Where explosives or blasting agents become defective, they shall be suitably and safely disposed of. Defective explosives and blasting agents
- (3) An engineer may, if he deems it necessary to protect life or property, arrange for the disposal of defective or abandoned explosives or blasting agents, and the amount of costs so incurred shall be a debt due to the Crown from the owner or agent, recoverable in any court of competent jurisdiction. 1961-62, c. 81, s. 218, *amended*. Disposal of defective explosives and blasting agents
284. Only implements of wood or fibre shall be used in opening cases that contain explosives. 1961-62, c. 81, s. 219. Opening cases
- 285.—(1) Explosives or blasting agents, including caps, fuses and igniter cord, shall not be stored underground in a mine in excess of the necessary underground supply for forty-eight hours. 1961-62, c. 81, s. 220 (1). Storage of explosives and blasting agents underground
- (2) In no case shall an amount exceeding 300 pounds of explosives or 900 pounds of blasting agents be stored in any one place underground in a mine without the written permission of the district mining engineer. 1961-62, c. 81, s. 220. Storage capacity
- (3) With the written permission of the district mining engineer and subject to such conditions as he prescribes, other underground explosive storages in a mine may be established, but in no case shall more than 1,000 pounds of explosives or 3,000 pounds of blasting agents be stored in any one storage place. Written permission for increased capacity
- (4) Where explosives and blasting agents are stored together underground in a mine, the lesser limit of storage applies. Idem
- (5) Explosives and blasting agents stored underground in a mine shall be kept in suitable containers or storage places in suitable locations. Suitable storage

Protection
from trains,
etc.

- (6) Explosives or blasting agents shall not be stored underground in a mine in places where there is a possibility of a train or car colliding with the containers of the explosives or blasting agents.

Where
excess
quantities
required

- (7) Where explosives or blasting agents in excess of the quantity that may be stored in approved underground storages in a mine are required for such operations as longhole blasts, etc., only such quantities as can be loaded in a twenty-four hour period shall be kept in a storage place underground at any time for such blast.

Surplus
at shift end

- (8) Any explosives or blasting agents not loaded at the end of a shift shall be stored in accordance with the requirements of this section or be adequately guarded. 1961-62, c. 81, s. 220, *amended*.

Location
of under-
ground
storages for
explosives,
etc.

- 286.—(1) Explosives or blasting agents shall not be stored underground in a mine within,

(a) 200 feet of a shaft station; or

(b) the distance prescribed by subsection 4 of section 560.

Idem,
detonators,
etc.

- (2) Detonators, blasting caps, capped fuses or igniter cord, while stored underground in a mine, shall be kept in separate, suitable, closed containers or storage places.

Idem

- (3) Such containers and storage places shall not be located within twenty-five feet of any other explosives or blasting agents. 1961-62, c. 81, s. 222, *amended*.

Open-flame
lamps on
surface

- 287.—(1) No flame-type light shall be taken within twenty-five feet of any building or place on the surface of a mine or plant in which explosives or blasting agents are stored.

Idem,
under-
ground

- (2) No flame-type light shall be taken within ten feet of any place underground in a mine where explosives or blasting agents are stored unless a suitable, safe arrangement for the placing of such light is provided.

Smoking

- (3) No person shall smoke in any place or building in a mine or plant where explosives or blasting agents are stored or while handling explosives or blasting agents. 1961-62, c. 81, s. 223, *amended*.

- 288.—(1) A properly authorized person or persons shall make a thorough weekly inspection of all explosives or blasting agents, explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, cap and fuse houses, and all storage boxes or places in or about the mine or plant used for the purpose of storing explosives, blasting agents, detonators or blasting caps and shall make a report in writing to the manager stating that such inspection has been made and certifying as to the conditions found. ^{Inspection of storage places}
- (2) The manager shall take immediate steps to correct any unsuitable conditions found and to properly dispose of any deteriorated explosives or blasting agents. ^{Unsuitable conditions to be rectified}
- (3) The manager shall make a prompt investigation when an act of careless placing or handling of explosives or blasting agents is discovered by or reported to him. ^{Careless acts}
- (4) Any employee who commits a careless act with an explosive or blasting agent or where explosives or blasting agents are stored, or who, having discovered such an act to have been committed, omits or neglects to report immediately such act to an officer in charge of the mine or plant, is guilty of an offence against this Act, and the officer in charge of the mine or plant shall immediately report such offence to the district mining engineer or to the Crown attorney of the county or district in which the mine or plant is situate. 1961-62, c. 81, s. 224, *amended*. ^{Report of carelessness to engineer}
- 289.—(1) When a mine or plant is closed down, all explosives, blasting agents, fuses, detonators and blasting caps shall be disposed of and no explosive or blasting agent shall be stored at any such closed-down mine or plant without the written permission of the chief engineer. 1961-62, c. 81, s. 225, *amended*. ^{Disposal of explosives, etc.}
- (2) No person shall take away from a mine or plant any explosive, blasting agent, fuse, detonator or blasting cap without the written permission of the manager or of such person as is authorized by the manager to give such permission. 1961-62, c. 81, s. 226, *amended*. ^{Removal from mine, etc., of explosives, etc.}
- 290.—(1) No building for thawing explosives shall be maintained in connection with a mine or plant without the written permission of the district mining engineer. ^{Thaw houses}

Approval of
building

- (2) The building shall be above ground, and the site of the building and the style of the structure and equipment shall be subject to the approval of an engineer.

Quantity
stored

- (3) The quantity of explosives kept in a thaw house at any time shall not exceed the requirements of the mine or plant for a period of twenty-four hours plus the amount that may be necessary to maintain that supply, but the district mining engineer may give permission in writing to store a quantity not in excess of the permitted capacity of the building if, in his opinion, the heating equipment is such that the temperature can be controlled within approved safe limits.

Thermo-
meter in
thaw house

- (4) A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept, but, where the amount of explosives in such thawing room does not exceed 200 pounds at any one time, the district mining engineer may give permission in writing to use a maximum and minimum registering thermometer on condition that a daily record of high and low temperatures be made and kept on file for at least one year.

Idem

- (5) All such records shall be made available to the district mining engineer. 1961-62, c. 81, s. 227.

Prohibition

291. No explosives shall be thawed near an open fire or steam boiler or by direct contact with steam or hot water in a mine or plant. 1961-62, c. 81, s. 228, *amended*.

TRANSPORTATION OF EXPLOSIVES AND BLASTING AGENTS — ON SURFACE

Application
of section

- 292.—(1) This section applies only on mine or plant premises and only on surface. *New*.

Transporta-
tion of
explosives,
etc., on
surface by
motor
vehicles

- (2) Every motor vehicle used for transporting explosives or blasting agents shall be maintained in sound mechanical condition. 1961-62, c. 81, s. 229 (1, 2), *amended*.

Markings

- (3) Every such motor vehicle shall be conspicuously marked by suitable signs or red flags easily visible from front and rear. 1961-62, c. 81, s. 229 (3).

Metal parts
to be
covered

- (4) The metal parts of every vehicle that may come in contact with containers of explosives or blasting

agents shall be suitably covered with wood, tarpaulin or other suitable material.

- (5) No other goods or materials shall be transported on any vehicle on which explosives or blasting agents are being transported. ^{No other goods}
 - (6) Every motor vehicle transporting more than 150 pounds of explosives or blasting agents shall be equipped with a fire extinguisher in working order, of adequate size and capable of dealing with a gasoline or oil fire. 1961-62, c. 81, s. 229 (4-6), *amended*. ^{Fire extinguisher}
 - (7) No motor vehicle shall be loaded with more than 80 per cent of its carrying capacity when transporting explosives or more than 100 per cent of its carrying capacity when transporting blasting agents. 1961-62, c. 81, s. 229 (7). ^{Load limits}
 - (8) Explosives or blasting agents transported on a vehicle shall be secured or fastened so as to prevent any part of the load from becoming dislodged. ^{Load to be secured}
 - (9) Detonators shall not be transported in the same vehicle as other explosives or blasting agents except in a suitable container in a separated compartment, and in such case the number shall not exceed 5,000 detonators. ^{Detonators}
 - (10) A vehicle transporting explosives or blasting agents shall not be left unattended. ^{No to be unattended}
 - (11) Only those persons necessary for the handling of explosives or blasting agents shall travel on a vehicle that is transporting explosives or blasting agents. ^{No surplus crew}
 - (12) There shall be no smoking by persons on a vehicle that is transporting explosives or blasting agents. 1961-62, c. 81, s. 229 (8-12), *amended*. ^{No smoking}
- 293.—(1) When the day's supply of explosives or blasting agents is being transported in a shaft conveyance in a mine, the person in charge of the operation shall give or cause to be given notice of the operation to the deckman and hoistman. ^{Transportation of explosives, etc., in shaft conveyances}
- (2) No person shall, ^{Authorization to handle}
 - (a) place in;
 - (b) have while in; or

(c) take out of,

a shaft conveyance of a mine any explosives or blasting agents except under the immediate supervision of a person authorized for the purpose by the responsible supervisor.

No other material in conveyance

- (3) No other material shall be transported with explosives or blasting agents in a shaft conveyance in a mine. 1961-62, c. 81, s. 230, *amended*.

Transfer of explosives or blasting agents from storage places

- 294.—(1) The transfer of explosives or blasting agents from the magazine or other surface storage place at a mine or plant shall be so arranged that no undue delay will occur between the time the explosives or blasting agents leave the surface storage place and the time they are properly stored in designated storage places in the mine or plant or distributed to points of use in the mine or plant.

Transfer without undue delay

- (2) Explosives or blasting agents shall not be left at a level station or near the shaft collar or other entrance to a mine but shall be transferred from a designated storage place to other designated storage places or points of use without undue delay. 1961-62, c. 81, s. 231, *amended*.

Transportation of detonators

- 295.—(1) Primers shall be made up as near to their point of use as is practicable in the interests of safety and then only in sufficient numbers for the immediate work in hand.

Suitable containers

- (2) Detonators, blasting caps, capped fuses, made-up primers, igniter cord or other explosives or blasting agents shall not be transported in a conveyance either on surface or underground at a mine or plant unless placed in separate, suitable, closed containers.

Kept separate from other explosives or blasting agents

- (3) A person may carry capped fuses with other explosives or blasting agents from the nearest storage place at a mine or plant to the point of use without placing them in a container if they are kept separate from other explosives and blasting agents.

Made-up primers

- (4) Made-up primers shall not be transported or carried at a mine or plant unless placed in separate, suitable, closed containers. 1961-62, c. 81, s. 232, *amended*.

Transportation of explosives, etc., underground, speed and right of way

- 296.—(1) Where explosives or blasting agents are transported in mine workings by means of mechanical haulage, including trackless equipment, the speed

of the vehicle shall not exceed 4 miles an hour and definite arrangements for the right of way of the vehicle shall be made before the vehicle is moved.

- (2) Where mechanical track haulage is used in a mine, ^{By mechanical track haulage}
 - (a) the locomotive shall be maintained on the forward end of the train transporting explosives or blasting agents unless some person walks in advance of the train to effectively guard it;
 - (b) any car carrying explosives or blasting agents shall be separated from the locomotive by an empty car or spacer of equivalent length; and
 - (c) in no case shall explosives or blasting agents be carried on the locomotive.
- (3) Where a trolley locomotive is used in a mine, the ^{By trolley locomotive haulage} car or cars transporting explosives or blasting agents shall be protected from trolley-wire contact and other existing hazards.
- (4) Where trackless equipment is used for the trans-^{By trackless equipment} portation of explosives underground in a mine, the requirements of section 292, except subsection 3, apply.
- (5) Where trackless equipment is used for the trans-^{Idem} portation of blasting agents in a mine, the requirements of section 292, except subsections 3 and 4, apply. 1961-62, c. 81, s. 233, *amended*.
297. Where parties working contiguous or adjacent ^{Blasting on contiguous claims} claims or mines disagree as to the time of setting off blasts, either party may appeal to the district mining engineer, who shall decide upon the time at which blasting operations thereon may be performed, and his decision is final and conclusive and shall be observed by them in future blasting operations. 1961-62, c. 81, s. 234, *amended*.
298. No explosive shall be removed from its original ^{Explosives not to be removed from original container} paper container or cartridge in a mine or plant. 1961-62, c. 81, s. 235.
299. No explosive shall be used to blast or break up ore, salamander or other material in a mine or plant where ^{Blasting of roast heaps} by reason of its heated condition there is any danger or risk of premature explosion of the charge. 1961-62, c. 81, s. 236.

- Size of drill holes 300. All drill holes in a mine or plant shall be of sufficient size to admit of the free insertion to the bottom of the hole of a cartridge of explosive. 1961-62, c. 81, s. 237.
- No iron or steel tools 301. In charging holes for blasting in a mine or plant, no iron or steel tool or rod shall be used, and no iron or steel tool shall be used in any hole containing explosives. 1961-62, c. 81, s. 238.
- Procedure before drilling 302.—(1) Before drilling is commenced in a working place in a mine the exposed face shall be washed with water and carefully examined for misfires and cut-off holes, giving special attention to old bottoms.
- Bootleg holes (2) No drilling shall be done in a mine within six inches of any hole that has been charged and blasted or any remnant of such hole.
- Holes containing explosives, etc. (3) No drilling shall be done in a mine within five feet of any hole containing explosives or blasting agents. 1961-62, c. 81, s. 239 (1-3).
- Precautions when loading (4) Drilling or undercutting and charging operations at a mine shall not be carried on simultaneously on the same face above or below each other or within twenty-five feet horizontal distance. 1961-62, c. 81, s. 239 (4), *amended*.
- Guarding entrances where blasting is done 303.—(1) Every blaster shall, before blasting, cause all entrances or approaches to the place where the blasting is to be done or where the safety of persons may be endangered by the blasting to be effectively guarded so as to prevent inadvertent access to such place while the charges are being blasted, including diamond drill holes as required by subsection 2 of section 275.
- Guarding roads (2) Subject to permission having been obtained, when required, from the appropriate authority, where it is necessary to stop traffic on a public road during a blasting operation,
- (a) an adequate number of flagmen equipped with suitable red flags shall be posted; and
 - (b) signs, such as "DANGER", "BLASTING" or "STOP FOR FLAGMAN", shall be posted,
- along the road at suitable locations to warn traffic approaching the flagman guarding the area. 1961-62, c. 81, s. 241 (1, 2), *amended*.

- (3) Posting of signs shall not be deemed to be adequate protection for blasting operations. 1961-62, c. 81, s. 241 (3). Signs not adequate
- (4) Every blaster shall, before blasting, give or cause to be given due warning in every direction by shouting "Fire" and shall satisfy himself that all persons have left the working place or the vicinity except those required to assist him in blasting and guarding. 1961-62, c. 81, s. 240 (1), *amended*. Due warning required
- (5) Where the extent of the operation or the safe-guarding of persons underground in a mine renders the warning under subsection 3 ineffective, such additional precautions to those so required shall be taken to ensure that all areas of the mine, which may be affected by the blasting operation, are vacated. *New*. Large blasting operations underground
- (6) In open pits or quarries where the extent of the operation or the exposure of persons renders the warning required under subsection 3 ineffective, due warning shall be given of a primary blast by siren or its equivalent in an approved manner, in addition to guarding as required by subsection 3. 1961-62, c. 81, s. 240 (2), *amended*. In pits and quarries
304. Where possible, no connection between mine workings shall be made until a thorough examination of the working towards which the active heading is advancing has been made and has shown that the work can be proceeded with in a safe manner, and such point of connection shall be guarded as an entry when blasting within twice the length of the longest drill steel used or a minimum of fifteen feet of breaking through. 1961-62, c. 81, s. 242. Breaking through to mine workings
- 305.—(1) Except where fired electrically, no fuse shorter than three feet shall be used in any blasting operation in a mine or plant nor shall any fuse be lighted at a point closer than three feet from the capped end. 1961-62, c. 81, s. 243. Minimum length of fuse
- (2) No drill hole in a mine shall be charged with explosives or blasting agents unless a properly prepared detonating agent is placed in the charge and it shall be fired in its proper sequence in one blasting operation. 1961-62, c. 81, s. 245. Detonator required

- Firing (3) All drill holes in a mine that are charged with explosives or blasting agents in one loading operation shall be fired in one blasting operation.
- Idem (4) Any drill hole in a mine that has been charged with explosives or blasting agents or any explosive charge that has been set shall not be left unfired but shall be fired at the time for blasting required by the approved practice of the mine. 1961-62, c. 81, s. 246.
- Safety fuses (5) Where a safety fuse is used in a blasting operation in a mine,
 (a) suitably capped fuses shall be supplied to the blasters in standard, uniform and safe lengths for the operation at hand; and
 (b) the uncapped ends of all fuses for use in a mine shall be suitably identified. 1961-62, c. 81, s. 247, *amended*.
- Lighting fuses (6) Where more than one charge is to be fired, each fuse connected to a charge of explosives or blasting agents shall be lighted with a suitably-timed spitting device.
- Number of men (7) Where more than one charge is to be fired, no blaster shall be permitted to conduct any blasting operation unless he is accompanied by one or more other persons.
- Idem, lights (8) Every person engaged in a blasting operation shall carry a light unless the blasting operation is conducted on surface in daylight or under artificial light. 1961-62, c. 81, s. 248, *amended*.
- Protection of entrance to working place 306.—(1) Where blasting is done in a raise or stope, proper precautions shall be taken to prevent the closing of the means of entrance to the working place or interference with the effective circulation of air following the blast by the broken material produced by the blast.
- Idem (2) In the case of a single-compartment raise or box-hole where material from the blast may block the means of entrance, proper precautions shall be taken to ensure the adequate ventilation of the working place before a person enters it. 1961-62, c. 81, s. 250, *amended*.
- Interval before return to scene of blast 307.—(1) Where safety fuses were used in connection with a blast and two or more shots were fired, no blaster or other person shall leave or be permitted to leave his place of refuge from the blast and return

to the scene of the blast within the number of minutes that are equal to twice the number of feet in the longest fuse used in the blasting operation.

- (2) Such period of time shall be calculated from the time ^{Idem} when the last shot was heard.
- (3) Where the firing was done by means of electric ^{Firing done electrically} delay-action detonators and any shot has been heard, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of any blast within ten minutes of the time at which the blasting circuit is closed.
- (4) Except when no shot was heard and a faulty circuit ^{Idem} is indicated, the circuit may be repaired immediately after the blaster has assured himself that the blasting switch is locked in the open position and the lead wires are short-circuited.
- (5) Where a safety fuse was used and a supposed misfire ^{Misfire or missed hole} or missed hole, including a reblasted misfire, occurs in a blasting operation, no blaster or other person shall leave or be permitted to leave his place of refuge and return to the scene of the blast within thirty minutes of the time of lighting of the fuse or fuses. 1961-62, c. 81, s. 244, *amended*.
- (6) When a blaster fires any charges, he shall, where ^{Missed holes, etc.} possible, count the number of shots.
- (7) If a misfire is suspected, he shall report it to his ^{Idem} supervisor.
- (8) If a missed hole has not been fired at the end of a ^{Idem} shift, that fact, together with the location of the hole, shall be reported by the supervisor to the supervisor in charge of the next relay of persons going into that working place before work is commenced by them.
- (9) Any charge of explosives that has missed fire shall ^{Idem} not be withdrawn but shall be blasted at a proper time and without undue delay, except that where a suitable device is used by an authorized person, the charge of explosives may be washed from the hole. 1961-62, c. 81, s. 251 (1-4), *amended*.
- (10) Any charge of blasting agent that has missed fire ^{Idem} may be washed out of the hole.

Idem

- (11) No development heading shall be abandoned or work therein discontinued until the material broken at the firing of the last round has been cleared from the face and the whole face of the heading examined for explosives or blasting agents in missed or cut-off holes. 1961-62, c. 81, s. 251 (5, 6).

Where
electric
blasting
required

- 308.—(1) After the first ten feet of advance has been made in a shaft or winze and until such time as the permanent timbers and ladders have reached the level upon which blasting is being done, all blasting in the shaft, winze, station or other workings being driven therefrom shall be done by means of an electric current.

In raises
over
50 degrees

- (2) In any raise, inclined at over 50 degrees from the horizontal, after twenty-five feet of advance has been made, or in any raise where free escape is not ensured at all times, all blasting shall be done by means of an electric current. 1961-62, c. 81, s. 252.

Electric
current
to be dis-
connected
after
blasting

309. Where blasting is done by means of an electric current, a person shall not enter or allow other persons to enter the place where the charges have been fired until he has disconnected and short-circuited the firing cables or wires from the blasting machine or portable direct-current battery or has assured himself that the switch of the approved blasting switch is open, the firing cables or wires short-circuited and the blasting box locked. 1961-62, c. 81, s. 253, *amended*.

Blasting by
direct
current or
blasting
machine

- 310.—(1) Where the source of current is a portable direct-current battery or a blasting machine, the firing cables or wires shall not be connected to the source of current until immediately before they are required for firing the charges and shall be disconnected immediately after the connection has been made and the machine operated for firing the charges. 1961-62, c. 81, s. 255.

Firing
cables,
how to be
used

- (2) The firing cables leading to the face shall be short-circuited while the leads from the blasting caps are being connected to each other and to the firing cables.

Idem

- (3) The short-circuit shall not be removed until the blaster and other persons have retreated from the face and it shall be so located that a premature explosion would be harmless to the persons opening the short-circuit.

- (4) The short-circuit shall be replaced immediately after ^{Idem} the cables have been disconnected from the blasting machine or the circuit from the blasting switch has been opened. 1961-62, c. 81, s. 256, *amended*.
- (5) The firing cables or wires used for firing charges at ^{Idem} one working place shall not be used for firing charges in another working place until all proper precautions have been taken to ensure that such firing cables or wires have no connection with the leads from the first working place.
- (6) When firing cables or wires are used in the vicinity ^{Idem} of power and lighting cables, the blaster shall take proper precautions to prevent the firing cables or wires from coming in contact with the lighting or power cables. 1961-62, c. 81, s. 257.
- (7) Where electricity, other than from a portable, ^{Where electricity from supply line used} hand-operated device, is used for firing charges, a fixed device of a design certified by the district electrical-mechanical engineer as meeting the requirements of section 515 shall be used.
- (8) One such device shall be maintained for each indi- ^{Idem} vidual working place in which firing is done by means of electricity from lighting or power cables. 1961-62, c. 81, s. 254, *amended*.

EXAMINATION OF MINE WORKINGS AND SHAFT INSPECTION

- 311.—(1) The manager of a mine or some authorized <sup>Examina-
tion of
mine
workings</sup> person or persons shall examine on each working shift all parts where drilling and blasting are being carried on, shall examine at least once a week the other parts in which operations are being carried on, such as shafts, winzes, levels, stopes, drifts, cross-cuts and raises, in order to ascertain that they are in a safe condition.
- (2) The manager of a mine or some authorized person <sup>Idem,
scaling</sup> or persons shall inspect and scale or cause to be inspected and scaled by a qualified person the roofs, walls and faces of all stopes or other working places as often as the nature of the ground and of the work performed necessitates. 1961-62, c. 81, s. 287, *amended*.
- 312.—(1) The manager of a mine where a hoist is in use <sup>Shaft
inspection</sup> shall depute some competent person or persons whose duty it is to make an inspection of the shaft at least

once each week, and in addition a thorough examination shall be made at least once each month of the guides, timber, walls and hoisting compartments generally of the shaft, and a record of such inspection and examination shall be made in the Shaft Inspection Record Book by the person making the examination.

Shaft
Inspection
Record
Book

- (2) Every such manager shall keep or cause to be kept at the mine a book for each shaft termed the Shaft Inspection Record Book in which shall be recorded a report of every such examination, as is referred to in this section, signed by the persons making the examination. 1961-62, c. 81, s. 288 (1, 2), *amended*.

Entries
to be
initialled

- (3) Such entries of examinations shall be read and initialled every week by the person in charge of the maintenance of the shaft.

Dangerous
conditions
noted

- (4) A notation shall be made of any dangerous condition reported and the action taken regarding it over the signature of the person in charge of the maintenance of the shaft.

Available
to engineer

- (5) The Shaft Inspection Record Book shall be made available to an engineer at all times. 1961-62, c. 81, s. 288 (3-5).

LADDERWAYS AND LADDERS

Ladderways
in shafts
and winzes

- 313.—(1) A suitable footway or ladderway shall be provided in every shaft and winze.

Not in
vertical
position

- (2) In shafts and winzes, no ladder, except an auxiliary ladder used in sinking operations, shall be installed in a vertical position. 1961-62, c. 81, s. 289 (1, 2).

Sinking
operations

- (3) During sinking operations, if a ladder is not maintained to the bottom, an auxiliary ladder that will reach from the permanent ladders to the bottom shall be provided in such convenient position that it may be promptly lowered to any point at which a person is working. 1961-62, c. 81, s. 289 (3), *amended*.

Headframes

- (4) Wherever, about shafts and winzes and headframes used in conjunction therewith, it is necessary for persons to examine or inspect appliances installed therein, suitable ladderways or stairways and platforms shall be maintained to permit such work to be carried out in a safe manner. 1961-62, c. 81, s. 289 (4).

314. The footway or ladderway in a shaft or winze shall be separated from the compartment or division of the shaft or winze in which material, conveyance or counterweight is hoisted by a suitable and tightly-closed partition in the location required by section 256, and similarly in the remaining shaft sections, or by metal of suitable weight and mesh. 1961-62, c. 81, s. 290. Partition between manway and hoisting compartments
- 315.—(1) In a shaft or winze inclined at over 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a person's body, and the ladders shall be so placed as to cover this opening in the platform. Ladderway in shaft, over 70 degrees
- (2) In a shaft or winze inclined at less than 70 degrees from the horizontal or in a headframe used in conjunction with the shaft or winze, the ladders may be continuous, but substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and shall be covered, except for an opening large enough to permit the passage of a person's body. 1961-62, c. 81, s. 291, *amended*. Idem, under 70 degrees
- 316.—(1) Stairways may be used in a shaft or winze inclined at less than 50 degrees from the horizontal. When stairway permissible
- (2) All stairways in shafts and winzes shall be equipped with a suitably placed hand-rail. 1961-62, c. 81, s. 292. Hand-rail
- 317.—(1) All ladderways in raises, stopes and other manways shall be installed and maintained in a safe condition to reduce to a minimum the hazard of a person falling therefrom. Ladderways, other mine workings
- (2) In manways inclined at 70 degrees or more, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders shall be off-set at the platforms. Landing platforms
- (3) In manways inclined at less than 70 degrees and more than 50 degrees, landing platforms shall be installed at intervals not exceeding twenty-one feet in the ladderway and the ladders may be continuous. Idem
- (4) In manways inclined at 50 degrees or less, the ladders may be continuous and no platforms are required except at points of off-set. 1961-62, c. 81, s. 293, *amended*. Idem

Wire rope
ladders

318. Wire rope or strands of wire rope shall not be used or be allowed to be used for climbing purposes if they are frayed or have projecting broken wires. 1961-62, c. 81, s. 294.

Hand-rails
for ladders

319. Every ladder shall project at least three feet above its platform, except where strong hand-rails are provided. 1961-62, c. 81, s. 295.

Ladders

- 320.—(1) Every ladder shall be of strong construction, shall be securely placed and shall be maintained in a safe condition.

Distance
between
rungs

- (2) The distance between the centres of rungs of ladders shall be not more than twelve inches and not less than ten inches, and the spacing of rungs shall not vary more than one-half inch in any ladderway.

Distance
from wall

- (3) In order to give a proper foothold, the rungs of ladders shall in no case be closer than four inches from the wall of a shaft, winze or raise or any timber underneath the ladder. 1961-62, c. 81, s. 296, *amended*.

HOISTS AND HOISTING

SINKING EQUIPMENT

When
crosshead
required

- 321.—(1) After a depth of 300 feet below the sheave has been attained in the sinking of a vertical shaft or winze at a mine, a suitable bucket and crosshead, as referred to in subsection 2 and in section 322, shall be used. 1961-62, c. 81, s. 336 (1), *amended*.

Suspension,
barrel-
shaped
bucket

- (2) When a closed type of crosshead is not used, the bucket shall be barrel-shaped and shall be suspended by the upper rim. 1961-62, c. 81, s. 336 (2).

Safety
appliance
on
crosshead

- 322.—(1) All sinking crossheads at a mine shall be provided with a safety appliance of a design approved by the district electrical-mechanical engineer for attaching the bucket to the crosshead, so constructed that the crosshead cannot stick in the hoisting compartment without also stopping the bucket.

Approval

- (2) All crossheads shall be of a design approved by the district electrical-mechanical engineer. 1961-62, c. 81, s. 337, *amended*.

SHAFT CONVEYANCES, CONSTRUCTION AND OPERATION

Protection
of men
in shaft
conveyances

323. No cage or skip shall be used in a mine for the raising or lowering of persons unless it is constructed so as

to prevent any part of the body of a person riding in it from accidentally coming into contact with the timbering or sides of the shaft or winze. 1961-62, c. 81, s. 338, *amended*.

324. All cages and skips used for lowering or raising persons in a mine shall comply with the following: Construction of cages and skips, etc.

1. The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness or of a material of equivalent strength.
2. The cage shall be provided with sheet-iron or steel side-casing not less than one-eighth of an inch in thickness or of a material of equivalent strength, and the casing shall extend to a height not less than five feet above the floor of the cage.
3. The cage shall be equipped with doors made of suitable material that extend to a height not less than five feet above the floor.
4. The doors shall be so arranged that it is impossible for the doors to open outward from the cage.
5. Doors shall be fitted with a suitable latch and shall have a minimum clearance at the bottom.
6.
 - i. The safety catches and mechanism shall be of sufficient strength to hold the shaft conveyance with its maximum load at any point in the shaft and shall be of a type the design of which has been approved by the chief engineer.
 - ii. Such safety catches and mechanism shall not be used until approved by the district electrical-mechanical engineer and such approval shall be based upon test performance.
 - iii. Such approval shall not be considered until the safety catches and mechanism are found to function satisfactorily under load conditions during such number of tests as are required by the chief engineer, each test to consist of suddenly releasing the shaft conveyance

in a suitable manner under maximum loading conditions for persons so that the safety catches will have the opportunity to grip the guides when the conveyance is descending at maximum rated speed.

- iv. A report of such tests shall be submitted to the chief engineer.
7. Before a shaft conveyance equipped with an approved type of safety catches and mechanism is first used for the purpose of lowering and raising persons, the safety catches and mechanism shall be found to function efficiently according to the requirements of the district electrical-mechanical engineer during a test under the same conditions as set out in paragraph 6, and a permit for the use of the conveyance for lowering and raising men shall be obtained from the district mining engineer.
8. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the district electrical-mechanical engineer.
9. A shaft conveyance previously permitted for use by the district mining engineer for the purpose of lowering or hoisting persons on which alterations or repairs to the safety catch mechanism necessary to rectify any distortion of the mechanism from its proven satisfactory position are made shall not be put to such use until the safety catch and mechanism have been found to function efficiently according to the requirements of the district electrical-mechanical engineer during a test made under the same conditions as set out in paragraph 6, and the district mining engineer has again issued permission for the use of the conveyance for such purpose.
10. A notation of such test shall be entered in the Hoisting Machinery Record Book and two copies of the report shall be sent to the district electrical-mechanical engineer.
11. A certificate of load capacity of the conveyance and attachments, which shall include the weight of the tail rope, if any, or other

suspended load, shall be obtained from the manufacturer and made available to the district electrical-mechanical engineer.

12. Devices for attaching the conveyance to the rope shall have a factor of safety of not less than 10.
13. The bails and suspension gear of all shaft conveyances shall be cleaned and thoroughly inspected at least once in every twelve months and a record of such inspection shall be made in the Hoisting Machinery Record Book. 1961-62, c. 81, s. 339, *amended*.
325. The chief engineer may give permission in writing for hoisting men without safety catches if he is satisfied that the equipment and conditions are such that maximum safety is provided. 1961-62, c. 81, s. 340. Hoisting without safety catches
326. The cage shall not have chairs attached to it that are operated by a lever or a chain through or from the floor of the cage. 1961-62, c. 81, s. 341. Operating chairs by lever
327. When chairs are used for the purpose of landing a shaft conveyance at any point in a shaft or winze, other than at the lowest point of travel for a skip, they shall be so arranged that they automatically fall clear and remain clear of the hoisting compartment when the cage or other conveyance is lifted off. 1961-62, c. 81, s. 342. Automatic operation of chairs
328. The bucket and any device such as the bail, safety latch or other attachment to the bucket shall be of a design approved by the district electrical-mechanical engineer. 1961-62, c. 81, s. 343, *amended*. Bails, safety latches, etc.

HOIST BRAKES

- 329.—(1) Every device used for lowering into or hoisting from mine workings shall be equipped with a brake or brakes that may be applied directly to each drum so as to safely stop and hold the drum when carrying its maximum load. 1961-62, c. 81, s. 353 (1), *amended*. Brakes required
- (2) The brakes shall be so arranged that they can be tested separately and, whether the hoist is at work or at rest, can be easily and safely manipulated by the hoistman when at the levers controlling the hoist. Arranged to test separately

Not
operated
by foot

- (3) No hoist used for lowering or raising persons or for shaft sinking shall be equipped with a brake or brakes operated by means of the hoistman's foot, unless such brake is an auxiliary electrical device.

Adjust-
ments to be
maintained

- (4) The adjustments of the brake or brakes and brake mechanism shall be maintained in such condition that the brake lever or any other part of the brake mechanism will not come to the limit of travel before the normal power of the brake or brakes is applied.

Loss of
brake
pressure

- (5) All brake engines shall be so equipped that, in the event of inadvertent or accidental loss of pressure in the brake system, the brakes can be applied.

Brake for
friction
hoists

- (6) The brakes for a friction hoist shall be designed, adjusted and maintained to safely stop and hold the conveyance under all conditions of loading, direction of travel and speed. 1961-62, c. 81, s. 353 (2-6).

Brakes

- (7) At all times that persons are in or on a shaft conveyance, the hoist shall be equipped with more than one brake, each capable of stopping and holding the drum or drums in use.

Clutched-in
drum

- (8) In shaft inspection, maintenance or sinking operations, persons may be in or on a shaft conveyance attached to the fixed or clutched-in drum when changing balance. 1961-62, c. 81, s. 353 (7), *amended*.

Automatic
operation

- (9) At least one of the brakes required shall be arranged for automatic application upon operation of any of the safety devices for brake application.

Freedom
of falling
weights

- (10) In a brake system where weights are used to furnish auxiliary pressure on loss of air, the weights shall be tested at least once every twenty-four hours to ensure their freedom of movement.

Single
drum air
or steam

- (11) In the case of single drum air or steam driven hoists, automatic valves to control engine compression, arranged for operation by the safety devices, may serve as a brake. 1961-62, c. 81, s. 353 (8-10).

Idem

- (12) The arrangements mentioned in subsection 11 are subject to the approval of the district electrical-mechanical engineer. 1961-62, c. 81, s. 353 (11), *amended*.

HOIST CLUTCHES

330. The device for operating the clutch of the drum shall be provided with adequate means to prevent the inadvertent withdrawal or insertion of the clutch. ^{Clutch-locking arrangement}
1961-62, c. 81, s. 354.
331. The brake and clutch operating gear shall be so installed that it will not be possible to unclutch a drum unless the brake or brakes on the drum are applied, nor shall it be possible to release the brake or brakes until the clutch of the drum is engaged. ^{Interlocking brake and clutch}
1961-62, c. 81, s. 355.

HOIST DRUMS

332. Such bolts and other fittings of the drums, brakes and clutches as might be a danger in the event of their becoming loosened shall be rendered secure by means of suitable locking devices other than spring lockwashers. ^{Securing of drum parts}
1961-62, c. 81, s. 356.
333. On the drum of every hoist used for lowering or raising persons, there shall be flanges and also, if the drum is conical, such other appliances as are sufficient to prevent the rope or cable from slipping off. ^{Slipping of rope on drum}
1961-62, c. 81, s. 357.
- 334.—(1) In all hoist installations, the dimensions of the drum or drums shall be suitable for the kind, diameter and length of the rope in service. ^{Suitability of hoist drum for rope}
- (2) The diameters of the hoist drums shall be large enough to prevent the occurrence of unduly large bending stresses in the rope. ^{Bending stresses in rope}
- (3) Where multiple-layer winding is used, proper arrangements shall be made and maintained to permit the rope to rise evenly from one layer to another and to wind properly without cutting down through any lower layer. ^{Rope risers}
1961-62, c. 81, s. 358.
- 335.—(1) On and after the 15th day of June, 1948, in all installations of newly-acquired drum hoists and modifications of existing hoists designed to increase the load ratings of the hoist, ^{Drum hoist installations}
- (a) all hoist drums over sixty inches in diameter shall have grooving properly machined to fit the rope used, except that, in the case of shaft sinking, preliminary development operations and operations of a temporary nature, hoists with plain drums may be used;

- (b) the drums shall have sufficient rope-carrying capacity to permit hoisting from the lowest regular hoisting point to the highest point of travel in the shaft without the necessity of winding more than three layers of rope on the drum;
- (c) the diameter of a hoist drum shall be not less than 80 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch and shall be not less than 60 times the diameter of the rope in use when the diameter of the rope is not greater than one inch, except that, in the case of shaft-sinking and preliminary development operations,
 - (i) a hoist may be used having a drum whose diameter is not less than 60 times the diameter of the hoisting rope in use when the diameter of the rope is greater than one inch, and
 - (ii) a hoist may be used having a drum whose diameter is not less than 48 times the diameter of the hoisting rope in use when the diameter of the rope is not greater than one inch; and
- (d) the hoist and the head sheaves shall be so located in relation to one another as to permit the proper winding of the rope on the hoist drum.

Change of
location

- (2) In any change of location of a hoist installed prior to the coming into force of this section, the requirements of clause *b* of subsection 1 apply. 1961-62, c. 81, s. 359 (1, 2).

Friction
hoist
installations

- (3) In friction hoist installations,
 - (a) the drum diameter of every friction hoist installed on or after the day on which this Part comes into force shall be not less than 100 times the diameter of the rope in use;
 - (b) the hoist drive, control and brakes shall be so designed and maintained that slippage of the rope on the drum will not occur under normal operating conditions; and

- (c) the rope treads shall be inspected regularly and maintained in good condition. 1961-62, c. 81, s. 359 (3), *amended*.

SHEAVES

- 336—(1) Head and deflection sheaves shall be machined and maintained to fit the rope properly. Head and deflection sheaves
- (2) The diameter of a head sheave shall be determined by clause *c* of subsection 1 of section 335 as required for a hoist drum. 1961-62, c. 81, s. 360 (1, 2), *amended*. Diameter of head sheaves
- (3) The diameter of a deflection sheave shall be determined by, Diameter of deflection sheaves
- (a) in the case of a drum hoist system, clause *c* of subsection 1 of section 335; and
- (b) in the case of a friction hoist system, clause *a* of subsection 2 of section 335. *New*.
337. Utility hoists, including tugger hoists, ropes and other equipment used in connection with the installation, shall be maintained in a safe working condition. 1961-62, c. 81, s. 277, *amended*. Care of utility hoists

INDICATORS

- 338.—(1) Every hoist shall, in addition to any marks on the rope or drum, be provided with a reliable depth indicator that will clearly and accurately show to the operator, Indicator required
- (a) the position of the bucket, cage or skip;
- (b) at what position in the shaft a change of gradient necessitates a reduction in speed;
- (c) the overwind or underwind position of the shaft conveyance or counter-balance; and
- (d) the position above or below the limits as in clause *c* beyond which the conveyance is not to move. 1961-62, c. 81, s. 363 (1), *amended*.
- (2) Hoist depth indicators shall be driven by a reliable means. Operation of indicator
- (3) Means shall be provided on a friction hoist to adjust the depth indicators and protective devices on the hoist to the position of the conveyance in the shaft. Means to adjust indicator on friction hoist 1961-62, c. 81, s. 363 (2, 3).

OVERWINDING, ETC. — AIR HOISTS AND STEAM HOISTS

Overwind
and under-
wind
protection

- 339.—(1) Air hoists and steam hoists shall be provided with suitable overwind, underwind and emergency protection for the hoisting conveyance, except that, in shaft-sinking, the underwind protection is not required. 1961-62, c. 81, s. 361, *amended*.

Tapered
guides

- (2) In a friction hoist installation, tapered guides or other approved devices shall be installed above and below the limits of regular travel of the conveyance and arranged so as to brake and stop an overwound or underwound conveyance in the event of failure of other devices. 1961-62, c. 81, s. 365, *amended*.

Gauge
required

340. At all air hoists and steam hoists, there shall be installed within plain view of the operator a gauge to indicate the air or steam pressure, as the case may be. 1961-62, c. 81, s. 362, *amended*.

SPECIFICATIONS AND SPECIAL TESTING

Speciflca-
tions
required

- 341.—(1) The specifications of hoists and equipment and the general arrangement of the headframe in new installations and in shaft deepening projects shall be approved by the chief engineer.

Commis-
sioning tests

- (2) Before a new hoisting installation is put in service, tests shall be conducted to prove its compliance with this Act.

Record kept
available

- (3) A record of such tests and the results obtained shall be kept on file and made available to the district electrical-mechanical engineer.

Special
testing by
the district
electrical-
mechanical
engineer

- (4) If the district electrical-mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific tests of the efficiency of all brakes, clutches, overwind devices or other hoist controls. 1961-62, c. 81, s. 364, *amended*.

NON-DESTRUCTIVE TESTING

New
equipment

- 342.—(1) All shafts for hoists and controls, brake rods and other vital parts which could affect the safety of the equipment shall be non-destructively tested before the hoist is placed in service.

- (2) Hoist and sheave wheel shafting, hoist brake and control parts, conveyance drawbars, pins and structural members and other hoisting equipment affecting the safety of the installation shall be non-destructively tested at regular intervals or as required by the district electrical-mechanical engineer. ^{Equipment in service}
- (3) Dates of the non-destructive testing shall be recorded in the Machinery Record Book and the results shall be reported to the district electrical-mechanical engineer. ^{Reports of tests}
- (4) The non-destructive testing shall be carried out by methods acceptable to the chief engineer. *New.* ^{Approved methods}

EXAMINATION

343. The manager of a mine where a hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week, ^{Examination of hoisting equipment}
- (a) deflection, head and idler sheave wheels;
 - (b) attachments of the hoisting ropes to the drums and to the counterweights, buckets, cages or skips;
 - (c) brakes;
 - (d) interlocks;
 - (e) depth indicators;
 - (f) buckets;
 - (g) counterweights;
 - (h) cages;
 - (i) skips;
 - (j) external parts of the hoist;
 - (k) mechanical hoisting signalling equipment, if any;
 - (l) shaft dumping and loading arrangements;
 - (m) sinking doors and blasting sets, and any attachments thereto;

(n) attachments to any cage, skip or bucket for any underslung regularly-used equipment; and

(o) guide or rubbing rope tensioning devices and attachments,

and to record the report of such examination in a book called the Hoisting Machinery Record Book. 1961-62, c. 81, s. 366, *amended*.

HOISTING MACHINERY RECORD BOOK

Entering of
reports

344.—(1) The manager shall keep or cause to be kept at the mine the Hoisting Machinery Record Book referred to in section 343, in which shall be entered a report of every examination or report referred to in sections 324 and 343, subsection 2 of section 355, subsection 3 of section 359 and sections 360 and 361, and a notation of any failure of, accident to, correction or repairs to the hoist, the ropes, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, signed by the person making the examination or report.

Entries
to be
signed

(2) Such entries shall be read and signed each day, week or month, as required by this Act, by the person in charge of such equipment or accessories thereto.

What
to be
entered

(3) A notation shall be made in the Hoisting Machinery Book of the action taken regarding the report of any failure of, accident to, corrections or repairs to the hoist, the ropes, the shaft conveyance or any other part of the hoisting, dumping or loading equipment, over the signature of the person in charge of such equipment or accessories thereto.

Books
to be
available

(4) The Hoisting Machinery Record Book shall be made available to the engineer at all times. 1961-62, c. 81, s. 386, *amended*.

HOISTING ROPES

Rope
connection

345.—(1) The connecting device between the hoisting rope and the bucket, cage, skip, counterweight or other device shall be of such nature that the risk of accidental disconnection is reduced to a minimum.

To be
approved

(2) Such connecting device shall be of a design approved by the chief engineer.

- (3) No open-hook device shall be used for such purpose. No open hooks
- (4) The drum end of the rope shall be fastened to the spider of the drum or around the drum shaft in some suitable manner. 1961-62, c. 81, s. 368, *amended*. Fastened to spider on a drum hoist
- (5) The rope from the counterweight shall be attached to the drum of the hoist and not to the shaft conveyance in drum hoist installations. 1961-62, c. 81, s. 384. Counter-weight
346. In no case shall a rope that has been spliced be used for hoisting purposes. 1961-62, c. 81, s. 369. Splicing prohibited
- 347.—(1) No drum hoist shall be operated with less than three turns of rope on the drum when the bucket, cage or skip is at the lowest point in the shaft from which hoisting is effected. Length of rope required on drum hoist
- (2) No drum hoist shall be operated with more than three complete layers of rope on the drum when the conveyance is at the highest point of travel in the shaft. 1961-62, c. 81, s. 370, *amended*. Three layers only on drum
- 348.—(1) No hoisting rope, tail rope, guide rope, or rubbing rope shall be used that has not been tested by the Ontario Government Cable Testing Laboratory and for which a certificate of the test is not in the possession of the user. Test certificate
- (2) In friction hoist installations, where multiple ropes are used and when manufactured have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes, Number of test specimens required
- (a) in the case of four ropes, two specimens shall be required;
- (b) in the case of three ropes, two specimens shall be required;
- (c) in guide and rubbing rope installations and where these ropes have been laid up continuously, a specimen shall be submitted for test, cut from the portion between each pair of ropes.
- (3) No hoisting rope, tail rope, guide rope or rubbing rope shall be used that is not accompanied by a certificate from the manufacturer giving the following information: Manufacturer's certificate

1. Name and address of manufacturer.
2. Manufacturer's rope number.
3. Date of manufacture.
4. Diameter of rope in inches.
5. Weight per foot in pounds.
6. Rope construction.
7. Class of core.
8. Trade name of interior rope lubricant.
9. Number of wires in strand.
10. Grade of steel.
11. Diameter of wires in decimals of an inch.
12. Breaking stress of steel of which the wire is made in pounds per square inch.
13. Standard torsion test of wires.
14. Actual breaking load of rope, as provided by the certificate referred to in subsection 1.
15. Length of rope.

Rope data
to be
entered in
Rope
Record
Book

- (4) When a rope is put into service in a shaft compartment or hoisting way, the data mentioned in subsection 3 shall be entered in a book called the Rope Record Book, together with the following information:

1. Name of person from whom purchased.
2. Date of purchase.
3. Date put on in present location.
4. Identification number of rope.
5. Name of shaft or winze and compartment in which rope is used.
6. Weight of shaft conveyance.

7. Weight of material carried, or weight or tension applied to guide or rubbing rope.
 8. Maximum length of rope in service below sheave or total length of guide or rubbing rope.
 9. Maximum weight of rope in service below sheave or total weight of guide or rubbing rope.
 10. Static factors of safety at conveyance suspension and at head sheave with rope fully let out, or at guide or rubbing rope suspension point.
 11. Date put on and removed from previous locations, if any.
- (5) A copy of such entries shall be forwarded to the chief engineer at the time the rope is put on in any location. Information to be sent to chief engineer
- (6) The manager shall keep or cause to be kept at the mine a book called the Rope Record Book, in which shall be recorded, in addition to the information referred to in subsections 3 and 4, the following information: Rope Record Book
1. A history of the rope, giving the date on which the rope was first put on.
 2. Dates of shortening.
 3. Dates and results of breaking and electromagnetic tests.
 4. Date and reason for taking out of service, for each occasion the rope is put into and taken out of service.
- (7) The Rope Record Book shall be available to the district electrical-mechanical engineer. Rope Record Book open to engineer
- (8) When a hoisting rope, tail rope, guide or rubbing rope is taken out of service from a shaft compartment, notice to that effect shall be forwarded to the chief engineer, giving the date, the reasons for discarding or discontinuing the use of the rope, disposition of the rope, and such other information as he requires. 1961-62, c. 81, s. 371, *amended*. Notification of rope discarded

Permission
required
to use
old rope

349.—(1) No hoisting rope, tail rope, guide or rubbing rope that has previously been in use in a place beyond the control of the manager shall be put in service anew, except with the permission in writing of the chief engineer.

Request for
permission

(2) Request for permission to use such rope shall be accompanied by certification that the rope has been properly examined and that no apparent defects have been found.

Electro-
magnetic
test

(3) The rope shall be electro-magnetically tested throughout its length and copies of the results, together with the interpretations, shall be sent to the chief engineer and to the district electrical-mechanical engineer within fourteen days after the test was made. 1961-62, c. 81, s. 372, *amended*.

Precautions,
used ropes

350. No hoisting rope, tail rope, guide or rubbing rope that has been removed from service shall be put in service anew for the purpose of lowering or raising persons, unless proper measures have been taken for the maintenance of the rope and the manager is satisfied that the rope is in safe working condition. 1961-62, c. 81, s. 373, *amended*.

Rope
removal

351. When a shaft compartment has been abandoned for hoisting purposes, the hoisting rope shall be removed immediately from the shaft. 1961-62, c. 81, s. 374, *amended*.

Rope not
to be
reversed

352. No hoisting rope shall be reversed until application in writing has been made therefor to the chief engineer, and the application shall be accompanied by the results and interpretations of the most recent electro-magnetic test and until the approval in writing has been received from the chief engineer. 1961-62, c. 81, s. 375, *amended*.

Safety
factor of
ropes,
interpre-
tation

353.—(1) For the purpose of this section, the factor of safety of the hoisting rope, tail rope, guide or rubbing rope in a shaft or winze of a mine means the number of times the breaking strength of the rope is greater than the total weight supported by the rope at a definite place in the rope.

Breaking
strength
of ropes,
interpre-
tation

(2) The breaking strength of the rope means the breaking strength of the rope as shown in the test certificate issued by the Ontario Government Cable Testing Laboratory before the rope is installed, as required by subsection 1 of section 348.

- (3) Every hoisting rope, when newly installed on a drum hoist, shall have a factor of safety of not less than 8.5 at the end of the rope where it is attached to the conveyance and where the total weight consists of the combined weight of the conveyance and the maximum load to be carried. Safety factor of drum hoist ropes
- (4) In addition, the hoisting rope, when newly installed, shall have a factor of safety of not less than 5 at the point where the rope leaves the head sheave and, the rope being fully let out, the total weight consists of the combined weight of the conveyance plus the maximum load to be carried plus the weight of that part of the rope that extends from the head sheave to the conveyance. Idem
- (5) The factor of safety of the hoisting ropes for a given friction hoist installation is the lowest actual breaking strength, as determined by the Ontario Government Cable Testing Laboratory, for the ropes, times the number of ropes, divided by the sum weight of the conveyance and attachments, the maximum conveyance load carried and the maximum weight of rope suspended in one compartment of the shaft. Safety factor for friction hoist ropes
- (6) When the hoisting rope is installed on a friction hoist, the factor of safety shall be not less than that determined from the following formula: $F. \text{ of } S. = 8.0 - .0005 d$, where d is the maximum length of rope suspended below the head sheave in feet. Idem
- (7) For friction hoists, the factor of safety of the hoisting ropes shall be not less than 5.5 for any depth of shaft when the ropes are installed. Idem
- (8) The factor of safety of tail ropes shall be not less than 7 when installed. Safety factor of tail ropes
- (9) The factor of safety of guide and rubbing ropes shall be not less than 5 when installed. 1961-62, c. 81, s. 376, *amended*. Safety factor of guide and rubbing ropes
- 354.—(1) No hoisting rope shall be used in a shaft or winze of a mine where in any part of the rope, Rope discard criteria
- (a) the existing strength has decreased to less than 90 per cent of the original strength of the rope;
 - (b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;

(c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;

(d) marked corrosion occurs;

(e) the rate of stretch in a friction hoisting rope begins to show a rapid increase over the normal stretch noted during its service. 1961-62, c. 81, s. 377, *amended*.

Idem

(2) No tail rope, guide or rubbing rope shall be used in a shaft where in any part of the rope,

(a) the existing strength has decreased to less than 75 per cent of the original strength of the rope;

(b) the extension of a test piece has decreased to less than 60 per cent of its original extension when tested to destruction;

(c) the number of broken wires in any section of the rope equalling the length of one lay of the rope exceeds six;

(d) marked corrosion occurs. *New*.

Rope
dressing

355.—(1) The rope dressing used on a drum hoisting rope shall be suited to the operating conditions of the rope, and the dressing shall be applied at least once in every month and as often as is necessary to maintain the coating on the rope in good condition.

Idem

(2) Every time the rope is dressed, a report of the treatment shall be recorded in the Hoisting Machinery Record Book and signed by the person who performed the work. 1961-62, c. 81, s. 378.

Testing
of hoisting
ropes

356.—(1) After 18 months of service, and thereafter at intervals of six months, the hoisting rope of a drum hoist shall have a portion not less than 8 feet in length cut off the lower end from a position above the clamps or other attachment.

Idem

(2) The portion of rope so cut shall have the ends adequately fastened with binding wire before the cut is made to prevent the disturbance of the strands and it shall be sent to the Ontario Government Cable Testing Laboratory for a breaking test. 1961-62, c. 81, s. 379 (1, 2), *amended*.

- (3) The certificate of the test shall be kept on file and a summary thereof recorded in the Rope Record Book. ^{Recording of test}
1961-62, c. 81, s. 379 (4).
- (4) All hoisting ropes on drum hoists and friction hoists shall be tested throughout their working length by an electro-magnetic testing device within the first six months of service, and thereafter at intervals of four months, or as required by the chief engineer. ^{Electro-magnetic testing}
- (5) All tail ropes, guide and rubbing ropes shall be electro-magnetically tested at the end of twelve months service, and thereafter at such intervals as is necessary to ensure that the rope is in safe condition. ^{Idem}
- (6) The electro-magnetic testing service and the agency or company supplying such service shall be approved by the chief engineer. ^{Idem}
- (7) The dates and results of the electro-magnetic tests shall be entered in the Rope Record Book. ^{Tests to be recorded}
- (8) Records of each electro-magnetic test, including graphs and interpretations, over the signature of the person making the interpretation, shall be sent to the chief engineer and to the district electrical-mechanical engineer within fourteen days after the test is made. ^{Submission of results} *New.*
- 357.—(1) The chief engineer may require that test specimens be cut from any rope discarded for use in mine hoisting at points specified by him and sent to the Ontario Government Cable Testing Laboratory for special testing and investigation if he is of the opinion that such testing and investigation are in the interests of better mine hoisting practice. ^{Special testing of used hoisting ropes}
- (2) No charge shall be made for such special testing and investigation, but the mine is responsible for the cost of cutting, preparation and shipment of the test specimens. 1961-62, c. 81, s. 380, *amended*. ^{No charge for testing}

CLEARANCE FOR TAIL ROPES

358. Water and spillage in a shaft sump in a mine shall be kept at such a level at all times that, ^{Tail ropes to be clear}
- (a) tail ropes have clear passage; and
 - (b) guide and rubbing rope connections and tension devices are clear. 1961-62, c. 81, s. 381, *amended*.

ROPE ATTACHMENTS

Examina-
tion of
attachments

359.—(1) Any rope in hoisting service when newly put on, and after any subsequent loosening of the connecting attachments between the rope and the bucket, cage, skip or counterweight and the connection between the rope and the hoist drum, shall have the attachments carefully examined by a qualified person or persons authorized by the manager and shall not be used for ordinary transport in a shaft or winze until two complete trips up and down the working parts of the shaft or winze have been made with the bucket, cage, skip or counterweight bearing its authorized load, and the connecting attachments have been re-examined. 1961-62, c. 81, s. 382 (1), *amended*.

Record
to be kept

(2) The hoistman shall make a record of such two complete trips in the Hoistman's Log Book.

Results
to be
recorded

(3) The results of the examination of the connecting attachments between the bucket, cage, skip or counterweight and hoist drum and the rope shall be recorded in the Hoisting Machinery Record Book and signed by the person making the examination. 1961-62, c. 81, s. 382 (2, 3).

Cleaning
and exam-
ination
of rope
connections

360.—(1) In drum hoist installations, after every six months of service, that portion of the rope at the conveyance end within the clamps shall be cut off and discarded.

Idem

(2) At such time, the connection between the rope and the drum shall be thoroughly cleaned and examined.

Idem

(3) In friction hoist installations, after every six months of service, the position of the hoisting rope within the clamps shall be changed, if practicable, or that portion of the rope within the clamps shall be thoroughly cleaned and examined.

Idem

(4) Every six months, the tail rope, guide and rubbing rope attachments and tensioning devices shall be thoroughly cleaned and examined. 1961-62, c. 81, s. 383, *amended*.

EXAMINATION OF ROPES AND SAFETY APPLIANCES

Examina-
tion of
ropes and
safety
appliances

361.—(1) The manager shall depute a competent person or persons who shall examine,

- (a) at least once in each day, the exterior of the hoisting rope and tail rope to detect the presence of kinks or other visible damage and to note the appearance of the rope dressing;
- (b) at least once in each month, the structure of that portion of the hoisting rope that is not on the hoist drum when the conveyance is at its lowest stopping point, and the tail, guide and rubbing ropes, with a view to ascertaining the deterioration thereof, and for the purpose of this examination the rope shall be cleaned at points selected by such person or persons, who shall note any reduction in the diameter or circumference of and the proportion of wear in the rope, and the starting point of the examination shall be changed slightly from month to month in order to obtain more complete information, but any portion showing appreciable reduction in diameter or circumference or appreciable wear shall be checked when the rope is again examined;
- (c) at least once in each month, the portion of the rope that normally remains on the drum of a drum hoist when the conveyance is at its lowest stopping point, and shall lubricate such portion, and, if, during the examination of the rope, significant deterioration is found in the portion on the drum or at the cross-over points, the rope shall be shortened sufficiently to eliminate any crushed portion or to change the position of the cross-over points if either or both are necessary;
- (d) at least once in each day, the safety catches, if any, of the conveyance, to be sure they are clean, sharp and in proper adjustment and working condition;
- (e) at least once in every three months, the safety catches of the cage or other shaft conveyance so equipped by testing the same, such test to consist of releasing the empty conveyance suddenly in some suitable manner from rest so that the safety catches have the opportunity to grip the guides, and, in case the safety catches do not act satisfactorily, the cage or other shaft conveyance shall not be used further for lowering or raising men until the

safety catches have been repaired and have been proved to act satisfactorily, as referred to in paragraph 11 of section 324. 1961-62, c. 81, s. 385 (1), *amended*.

Stretch
to be
recorded

- (2) In friction hoist installations, the stretch of the hoisting rope or ropes shall be measured and recorded in the Friction Hoist Machinery Record Book.

Rope
diameters
and broken
wires to be
recorded

- (3) In friction hoist installations, measurement of rope diameters and the location and number of broken wires shall be recorded monthly in the Friction Hoist Machinery Record Book. 1961-62, c. 81, s. 385 (2, 3).

Engineer
may
conduct
tests

- (4) If the district electrical-mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or cause to be conducted specific tests of the safety catches with which a conveyance is equipped.

Defects
to be
remedied
at once

- (5) If on examination there is discovered any weakness or defect whereby the safety of persons may be endangered, the weakness or defect shall be immediately reported to the manager or person in charge and, until the weakness or defect is remedied, the hoisting plant shall not be used. 1961-62, c. 81, s. 385 (4, 5), *amended*.

Recording
of examina-
tion and
reports

- (6) It is the duty of the person referred to in subsection 1 to record the reports of all examinations therein referred to and also to record all reports referred to in subsection 5 in a book called the Hoisting Machinery Record Book or the Friction Hoist Machinery Record Book, whichever is applicable. 1961-62, c. 81, s. 385 (6).

HOIST LOADING

Interpre-
tation

362.—(1) In this section,

- (a) "authorized maximum load of persons" means the total weight of persons permitted by the district mining engineer to be carried at any time in the shaft conveyance;
- (b) "maximum allowable weight" means the maximum weight permitted by this Part to be attached to the rope in service or the maximum weight attached to the rope that the hoist is capable of handling, whichever is the lesser. 1961-62, c. 81, s. 318 (1), *amended*.

- (2) Every drum hoist shall be accompanied by a certificate from the manufacturer, or an independent person approved by the chief engineer, giving the maximum permissible rope pull for each drum and the maximum permissible suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. 1961-62, c. 81, s. 367 (1), *amended*. Rated loading, drum hoists
- (3) Every friction hoist shall be accompanied by a certificate from the manufacturer, or an independent person approved by the chief engineer, giving the maximum rated unbalanced load and the maximum rated suspended load of the hoist, and the hoist shall not be loaded beyond the maximum loads so specified. *New*. Rated loading, friction hoists
- (4) No alterations designed to increase the hoisting capacity shall be made to a hoist unless approval is given by its manufacturer or an independent person approved by the chief engineer. 1961-62, c. 81, s. 367 (2), *amended*. Approval for increased capacity
- (5) Except as provided in clause *b* of subsection 1, the maximum allowable load to be lowered or raised on the shaft conveyance of a drum hoist means the maximum allowable weight at the end of the rope less the weight of the conveyance. Determination of maximum load on conveyance, drum hoists
- (6) The maximum material-load allowed on the conveyance of a friction hoist shall be determined from the lesser of the following calculations: Idem, friction hoists
1. Maximum allowable suspended load on the hoist, less the weight of the hoisting ropes, less the weight of tail ropes, less the weight of the conveyances and the attachments.
 2. The breaking strength of the rope, divided by the required factor of safety, minus the maximum weight of rope suspended in one compartment, minus the weight of the conveyance and attachments in that compartment; and, where multiple ropes are used, the lowest breaking strength of any rope shall be used for all ropes in load calculations.
 3. The unbalanced load on the hoist as rated by the manufacturer, which shall not be exceeded.

4. The maximum allowable load on any conveyance, which shall not be greater than that for which the conveyance was rated by the manufacturer. 1961-62, c. 81, s. 318 (7), *amended*.

Maximum
persons
load when
conveyance
also used
for
materials

- (7) Where a hoisting rope is used for the lowering or raising of both persons and materials, the weight attached to the rope when the bucket, cage or skip is bearing its authorized load of persons shall not exceed 85 per cent of the maximum allowable weight when the rope is in use for other purposes, and for both drum and friction hoists the maximum load of persons shall be determined as follows:

0.85 (maximum material load plus the weight of the conveyance) minus the weight of the conveyance. 1961-62, c. 81, s. 318, (3, *part*, 4), *amended*.

Certificate
respecting
maximum
loads

- (8) The manager shall obtain from the district mining engineer resident in the district a certificate in writing setting out the maximum loads of persons or materials that may be carried in the shaft conveyance before persons are so carried. 1961-62, c. 81, s. 318 (3), *part*, *amended*.

When
certificate
issued

- (9) The district mining engineer may issue the certificate referred to in subsection 8 if he is satisfied that the hoisting installation and signalling equipment meet the requirements of this Act. 1961-62, c. 81, s. 318 (5), *amended*.

SHAFT HOISTING PRACTICE

Hoisting
by auto-
matic
control

- 363.—(1) The hoisting of persons or materials in a mine shaft by automatic control is subject to the approval of the chief engineer.

Idem

- (2) Where a hoist in a mine is being operated by automatic control and no other means of hoisting persons is provided, there shall be available a person qualified to operate the hoist manually when persons are underground. 1961-62, c. 81, s. 303, *amended*.

Lowering
and
raising
material

- 364.—(1) Where steel, timber or other material is being lowered or raised in a shaft conveyance in a mine, it shall be loaded in such a manner as to prevent it from shifting its position, and, if necessary, it shall be secured to the conveyance.

- (2) When such material projects above the sides of the conveyance, it shall be securely fastened to the conveyance or lashed to the hoisting rope in such a manner as not to damage the rope. 1961-62, c. 81, s. 304, *amended*. Long material properly secured
365. Where a crosshead is not used in a vertical shaft or winze in a mine, the compartment in which the bucket works shall be closely lined with sized lumber. 1961-62, c. 81, s. 305, *amended*. Compartment to be lined where crosshead not used
366. In the course of sinking a shaft or winze in a mine, the bucket or skip shall be filled only in such a manner that no piece of loose rock projects above the level of the brim. 1961-62, c. 81, s. 306, *amended*. Level of load in bucket or skip
367. In shaft-sinking operations in a mine, where the hoisting speed exceeds 1,000 feet per minute, persons shall ride in the bucket above the bottom crosshead stop. 1961-62, c. 81, s. 307, *amended*. Hoisting men in buckets
- 368.—(1) During sinking operations in a shaft or winze in a mine, the bucket or skip used for returning persons to the working place following a blasting operation shall not be lowered on the initial trip beyond the point where, owing to the blast, it may be unsafe to go without a careful examination, and in no case shall the point be less than fifty feet above the blasting set or bulkhead. Lowering men after blast
- (2) The bucket or skip shall be lowered from such point only on signal from the persons accompanying it and at such speed as to be fully under control, by signal, of such persons. Idem
- (3) Only sufficient persons shall be carried on such a trip as are required to properly conduct a careful examination of the shaft or winze. 1961-62, c. 81, s. 308, *amended*. Idem
369. In the course of sinking a shaft or winze in a mine, the bucket or skip shall not be lowered directly to the bottom but shall be held at least fifteen feet above the bottom and shall remain there until a separate signal to lower it has been given by an authorized person. 1961-62, c. 81, s. 309, *amended*. Bucket or skip not to be lowered directly to face
370. No bucket shall be allowed to leave the top or bottom of a shaft or winze in a mine until the person in charge of it has steadied it or caused it to be steadied. 1961-62, c. 81, s. 310, *amended*. Bucket to be steadied

Protection
from
dumping

371.—(1) In the course of sinking a shaft or winze in a mine, adequate provision shall be made and maintained to ensure the impossibility of the bucket or skip being dumped while the dumping doors are open and means shall be applied to prevent spillage from falling into the shaft or winze.

Door
to cover
sinking
compartment

(2) A door or doors to cover the sinking compartments shall be provided and maintained at the collar or other point of service of every shaft or winze in a mine while sinking is in progress.

Design
to be
approved

(3) The design of the things required under subsections 1 and 2 shall be submitted for the approval of the district electrical-mechanical engineer before such things are installed.

Doors to be
closed

(4) The door or doors referred to in subsection 2 that are at the point of loading shall be kept closed when tools or material are being loaded into or unloaded from the bucket or skip, except when the bucket or skip is unloaded by dumping arrangements as provided for in subsection 1.

Idem

(5) The door or doors referred to in subsection 2 shall be closed when persons are loaded or unloaded, except where a safety crosshead fills the compartment at the collar or other point of service. 1961-62, c. 81, s. 311, *amended*.

Warning of
obstruction

(6) Any doors or other shaft fixture which when moved into the travel area of a shaft compartment would interfere with free passage of the conveyance shall be so equipped that their position is indicated to the hoistmen by signal lights. *New*.

Cage for
handling
men

372. Except during sinking operations, whenever a mine shaft or winze exceeds 300 feet in vertical depth, a suitable cage or skip constructed as required by sections 323 and 324 shall be provided for lowering or raising men in the shaft or winze. 1961-62, c. 81, s. 312, *amended*.

Cage doors
to be closed

373.—(1) No person shall travel or be permitted to travel in a cage at any time, except during shaft inspection, unless the doors of the cage are securely closed. 1961-62, c. 81, s. 313 (1).

Idem

(2) The doors of a cage shall not be opened until a full stop has been made at the point or station signalled except,

(a) during trips of inspection; and

(b) as permitted by subsection 3. 1961-62, c. 81, s. 313 (2), *part, amended*.

(3) In the case of an inadvertent stop at a point in the ^{Idem} shaft or winze other than a station, the cage doors may be opened and then persons may leave the cage only on the instructions of an authorized person outside the cage. 1961-62, c. 81, s. 313 (2), *part, amended*.

374.—(1) Where chairs are used for the purpose of landing ^{Operation of chairs} a shaft conveyance at a point in a shaft or winze, except when hoisting in balance from that point, the chairs shall not be put into operation unless the proper chairing signal has been given to the hoistman.

(2) Chairs shall not be used when persons are in or on a ^{Idem} shaft conveyance. 1961-62, c. 81, s. 314, *amended*.

375.—(1) Except as provided for in clause *c* of section 376, no person shall travel or be permitted to travel in a bucket, cage or skip operated by a hoist that is ^{Hoisting persons and material simultaneously} being simultaneously used for the hoisting of mineral or material.

(2) No person shall be lowered or raised or permit himself to be lowered or raised in a shaft or other underground opening except in an approved raise climber, or a scaling platform, or in an approved hoisting conveyance as provided for in section 376, but this prohibition does not apply where persons are lowered or raised by hand or by means approved by the district electrical-mechanical engineer for use in construction, maintenance or repair work. 1961-62, c. 81, s. 315, *amended*. ^{Persons only in approved conveyances}

376. No person shall be lowered or raised or allow himself to be lowered or raised in a shaft, winze, or other underground opening of a mine, ^{When persons not to be hoisted}

(a) in a bucket or skip, except that persons employed in shaft sinking may ascend and descend to and from the sinking deck or other place of safety and the persons employed in shaft inspection and maintenance may be lowered or raised in the shaft by means of such conveyance;

- (b) in a cage or skip that does not meet the requirements of sections 324 and 326, except as provided for in clause *a* of this section or section 325;
- (c) in a cage, skip or bucket that is loaded with explosives or blasting agents, steel, timber or other material or equipment, except where such person is authorized to handle such material in a cage, skip or bucket and the materials are adequately secured as required by section 364, but nothing in this clause prohibits persons from carrying personal hand tools or equipment approved by the district mining engineer in a shaft conveyance if such tools or equipment are properly protected with guards and the conveyance is not overcrowded;
- (d) in any shaft conveyance, except during shaft sinking operations or shaft inspection and maintenance operations, except where a person authorized to give signals is in charge of the shaft conveyance. 1961-62, c. 81, s. 316, *amended*.

Use of
conveyance
if drum
unclutched

377. Except in the course of sinking a shaft in a mine, no person shall enter or be allowed to enter a shaft conveyance or work upon or under a shaft conveyance when the corresponding drum of the hoist is unclutched, unless the conveyance is first secured in position by chairing or blocking. 1961-62, c. 81, s. 317, *amended*.

Permission
necessary
to handle
men in skip
or bucket

378. Permission shall be obtained from the chief engineer before a skip or bucket is used for lowering or raising persons in a shaft or winze of a mine, except during sinking, inspection or maintenance operations. 1961-62, c. 81, s. 338 (2), *amended*.

Use of
shaft
buckets

379. Where a bucket is used in a shaft or winze in a mine for other than sinking purposes,
- (a) a set of doors as required by subsection 2 of section 371 shall be installed at the collar and every point of service of the shaft or winze;
 - (b) a suitable landing device shall be used at every working level when the bucket is being loaded or unloaded at that level; and

- (c) simultaneous operations shall not be carried on at more than one level until the style of structure and method of operation of any such device installed at intermediate levels have been submitted to and have received the approval of the district mining engineer. 1961-62, c. 81, s. 270, *amended*.

CONVEYANCE NOTICES AND DISCIPLINE

- 380.—(1) A notice showing clearly the number of persons ^{Notice to be posted} allowed to be carried in and the weight of materials allowed to be loaded on the conveyance, as referred to in subsection 6 of section 362, shall be posted and maintained at the collar of the shaft or winze.
- (2) The person authorized to give signals is responsible ^{Responsibility} for the observance of such notice. 1961-62, c. 81, s. 319, *amended*.
- 381.—(1) When persons are being lowered or raised in a ^{Lamps} cage or skip, no person, other than the cagetender or skiptender, shall have a burning open-flame lamp of any kind, except that, for shaft inspection or similar purposes, a sufficient number of lighted lamps shall be permitted.
- (2) When persons are being lowered or raised in a cage or skip a proper discipline of the persons riding in the ^{Discipline to be maintained} cage or skip shall be maintained.
- (3) No person shall obstruct the enforcement of the re- ^{Obstruction prohibited}quirements of subsection 1 of section 380 or this section. 1961-62, c. 81, s. 320, *amended*.

SIGNALS

382. Every working shaft in a mine shall be provided with ^{Signal systems} a suitable means of communicating by distinct and definite signals to the hoist room from the bottom of the shaft, from every working level, from the collar and from every landing deck. 1961-62, c. 81, s. 321, *amended*.
383. A separate, audible signal system shall be installed ^{Separate system for each compartment} for the control of each hoisting conveyance operated from a single hoist in a mine, and there shall be a sufficient difference in the signals to the hoistman so that they are easily distinguishable. 1961-62, c. 81, s. 322, *amended*.

Return
signals

384.—(1) Where an electrical signal system is installed in a mine, the hoistman shall return the signal to the person giving the signal when persons are about to be lowered or raised. 1961-62, c. 81, s. 323, *amended*.

Idem,
multi-deck
staging

(2) Where multi-deck staging is being used for shaft-sinking in a mine, an audible or visible return signal system shall be installed and used. *New*.

Special
devices

385. No device for signalling to or communicating with the hoistman shall be installed or operated in or on any shaft conveyance in a mine without the written permission of the chief engineer. 1961-62, c. 81, s. 324, *amended*.

Cage call
system

386. No cage call system communicating with the hoist-room shall be installed or used at a shaft or winze in a mine. 1961-62, c. 81, s. 325, *amended*.

Code of
signals

387.—(1) The following code of signals shall be used at every mine and a copy of such code shall be printed and kept posted in every hoist room and at every level or other recognized landing place in every working shaft or winze:

1 bell Stop immediately — if in motion
(Executive Signal).

1 bell Hoist (Executive Signal).

2 bells Lower (Executive Signal).

3 bells Men travelling in hoisting conveyance (Cautionary Signal). This signal shall be given by the conveyance tender at all levels before any person, including the conveyance tender, is permitted to enter or leave the conveyance. Where a stop exceeds one minute, the 3-bell signal shall precede the next destination signal. Where a return-bell signal system is installed, the hoistman shall return the 3-bell signal before any person is permitted to enter or leave the conveyance.

4 bells Blasting Signal. The hoistman shall answer by raising the bucket, cage or skip a few feet and letting it back slowly. Following a 4-bell signal, only

a 1-bell signal shall be required to signal for hoisting persons away from a blast and the hoistman shall remain at the controls until the act of hoisting has been completed.

5 bells. . . . Release Signal. The hoistman may act at his own discretion to perform any movements, or series of movements, involving the conveyance or conveyances designated by the destination signals referred to in section 388. Where a return-signal system is installed, the hoistman shall return the signals and may then act at his own discretion. On the completion of the necessary movements, he shall not move the hoist again until he has received a new signal.

9 bells. . . . Danger Signal (Special Cautionary). To be given only in case of fire or other danger. The signal for the level at which the danger exists should be given following the giving of the danger signal. This signal to be given only on the call system or voice communication system except in shaft sinking and maintenance. 1961-62, c. 81, s. 326 (1), *amended*.

(2) The following method and order shall be observed in giving signals: ^{Method and order of signals}

1. Strokes on the bell shall be made at regular intervals.
2. Signals shall be given in the following order: 1st, Cautionary Signals; 2nd, Destination Signals; 3rd, Executive Signals. 1961-62, c. 81, s. 326 (2).

388.—(1) At every mine, other signals, termed destination signals, in conjunction with the code set forth in subsection 1 of section 387 shall be used to designate all regular stopping points. 1961-62, c. 81, s. 327 (1), *amended*. ^{Special signals}

(2) Special signals shall be used to designate all special ^{Idem} hoisting movements. 1961-62, c. 81, s. 327 (2).

- Idem (3) Special signals shall be easily distinguishable from the code set forth in subsection 1 of section 387 and shall not interfere with it in any way and shall follow the Department's standard mine signal code, and any deviation from the latter shall be approved by the chief engineer.
- Idem (4) Such destination signals and other special signals approved for use at any mine and an adequate description of their application to the movements required shall be posted at every hoist, at the top of the shaft or winze and at every working level of the shaft or winze. 1961-62, c. 81, s. 327, *amended*.
- Hoistman not to move conveyances 389.—(1) Except as provided in subsection 2, the hoistman shall not move the hoisting conveyance within a period of ten seconds after receiving a signal designating a movement at any time that persons are carried. 1961-62, c. 81, s. 328 (1), *amended*.
- Where waiting period not required (2) The waiting period mentioned in subsection 1 is not required where throughout the shaft or winze the executive signal given only after the hoisting conveyance doors and the shaft gates have been completely closed and the person giving the signal is inside the conveyance or in the shaft station or other recognized landing place.
- If unable to act within one minute (3) In case the hoistman is unable to act within one minute of the time he has received any complete signal, he shall not move the hoisting conveyance until he has again received another complete signal. 1961-62, c. 81, s. 328 (2), *amended*.
- 3-bell signal 390.—(1) After a hoistman has received a 3-bell signal, he shall remain at the hoist controls until he has received the signal designating the movement required and has completed that movement. 1961-62, c. 81, s. 329 (1).
- Idem (2) After the hoistman has commenced the movement, he shall complete it without interruption, unless he receives a stop signal or in case of emergency. 1961-62, c. 81, s. 329 (2), *amended*.
- Hoistman to remain at controls 391.—(1) Except when the hoist is operating under automatic control, the hoistman shall remain at the hoist controls at all times the hoist is in motion. 1961-62, c. 81, s. 330, *amended*.

- (2) Before a hoistman leaves the hoist controls, he shall ^{Idem} ensure that the brakes are fully set and that there will be no inadvertent motion of the hoist drums. *New.*
392. Except in case of emergency, no person shall speak ^{Talking to hoistman} to the hoistman while the hoist is in motion, and a sign to this effect plainly visible to any person approaching the hoist controls shall be kept posted at all times. 1961-62, c. 81, s. 331, *amended*.
- 393.—(1) Except as provided in subsection 2, the hoistman shall not move the hoisting conveyance until he has received a proper signal. ^{Signal required} 1961-62, c. 81, s. 332, *part, amended*.
- (2) In the event of an inadvertent stop at some point in ^{Exception} the shaft or winze other than at a station from which a signal may be given, the hoistman may move the conveyance when he has assured himself that the hoist controls are in proper working order and, when lowering or raising persons he has received instructions from an authorized person. 1961-62, c. 81, s. 332, *part, amended*.
- 394.—(1) No person, unless he is authorized so to do, ^{Only authorized persons to give signal} shall give any signal for moving or stopping a bucket, cage or skip in a mine.
- (2) No unauthorized person shall give any signal or in ^{Idem} any way interfere with the hoist signalling arrangements.
- (3) No person, unless he is authorized so to do, shall ^{Only authorized persons may operate hoist} operate any equipment for controlling the movement of the hoist or interfere with the equipment. 1961-62, c. 81, s. 333, *amended*.
- 395.—(1) A system shall be installed in any active shaft or winze to provide voice communication between the collar and regular landing places. ^{Voice communication} 1961-62, c. 81, s. 334 (1) *amended*.
- (2) Such installations shall be provided at suitable ^{Idem} intervals. *New.*
396. No signal shall be given unless the bucket, cage or skip is at the level from which the signal is to be ^{Position of conveyance} given. 1961-62, c. 81, s. 335.

HOISTING PROCEDURE

Hoisting
after
stoppages

397.—(1) If at the commencement of a shift there has been a stoppage of hoisting in a shaft for a period exceeding two hours duration, no regular hoisting shall be done until the shaft conveyance has made one complete trip through the working part of the shaft or, where shaft repairs have been made, a return trip of the shaft conveyance has been made through and below the affected part of the shaft.

Record of
stoppages

(2) The hoistman shall record all such stoppages and trips in the Hoistman's Log Book. 1961-62, c. 81, s. 344, *amended*.

Auxiliary
overwind

398. Where a hoist is equipped with an auxiliary overwind device for preventing persons from being hoisted to the dumping position in skips or in skips of skip-cage assemblies as required in section 533, the hoistman shall place the device in operation or assure himself that it is in operation at all times that persons are in or on the conveyance. 1961-62, c. 81, s. 345, *amended*.

Obstruc-
tions

399. Where obstructions such as those referred to in section 527 may exist, the hoistman shall not lower or raise the shaft conveyance without proper authority. 1961-62, c. 81, s. 346, *amended*.

Testing
overwind
devices

400. All overwind and underwind devices shall be tested at least once during every twenty-four hours of operation and a record of the test shall be posted immediately in the Hoistman's Log Book. 1961-62, c. 81, s. 347, *amended*.

Brakes
to be tested

401.—(1) The operator of a hoist shall, after going on shift and before a shaft conveyance is lowered or raised, assure himself that the brake or brakes are in proper condition to hold the loads suspended on the corresponding drum or drums by testing the brakes of the drums against the normal starting power of the engine or, in the case of an electric hoist, against the normal starting current.

Drum
not to be
unclutched

(2) The operator of a hoist shall not unclutch a drum of the hoist until the test mentioned in subsection 1 has been made. 1961-62, c. 81, s. 348, *amended*.

Friction
clutches

402.—(1) Where a hoist is fitted with a friction clutch, the operator shall, after going on shift and before a conveyance is lowered or raised, test the holding power

of the clutch, the brake of the corresponding drum being kept on and the brake of the other drum being kept off.

- (2) In the case of a steam or air hoist, the test mentioned ^{Idem} in subsection 1 shall be made against the normal starting power of the engine and, in the case of an electric hoist, against the normal starting current. 1961-62, c. 81, s. 349, *amended*.
- 403.—(1) When the drum of a hoist is unclutched, the ^{Use of brake when drum unclutched} brake of the drum shall be used only for the purpose of maintaining the drum in a stationary position, and no lowering shall be done from an unclutched drum. 1961-62, c. 81, s. 350.
- (2) Before commencing unclutching operations, the hoist- ^{Unclutching procedure} man shall ensure that the brakes have been applied on both hoist drums. *New*.
- (3) When persons are in or on a shaft conveyance, the ^{When clutch to be kept in} corresponding drum of the hoist shall be kept clutched in. 1961-62, c. 81, s. 351, *amended*.

HOISTMAN'S LOG BOOK

- 404.—(1) At every shaft or winze hoist, there shall be ^{Hoistman's Log Book} kept a Hoistman's Log Book in which the following shall be recorded:
1. A report of the working condition of the hoist, including the brakes, clutches, interlocking devices between the brake and clutch, depth indicators and all other devices and fittings pertaining to the safe operation of the hoist.
 2. A report of the working condition of the signalling apparatus and a notation of any signals received by the hoistman, the accuracy of which he has questioned.
 3. Any special instructions received involving the safety of persons, such entry to be signed by the hoistman and by the person issuing the instructions.
 4. A report of the tests of the overwind and underwind devices.

5. Where the required tests of the overwind and underwind devices are conducted by a hoistman operating on another shift, the hoistman assuming duty shall note over his signature that he has examined the entry in the log book of the hoistman who performed the tests.

6. A report of all abnormal circumstances in connection with the operation of the hoist or attachments thereto and such abnormal conditions as have come to the hoistman's knowledge in connection with the hoisting operations in the shaft or winze.

7. A report of all trial trips referred to in sections 359 and 397.

Idem

(2) A notification to the hoistman on a succeeding period of duty of any special circumstances or matter affecting the continued operation of the hoist or the safety of persons in the shaft or winze shall be made in the Hoistman's Log Book. 1961-62, c. 81, s. 352 (1, 2).

Idem

(3) All such entries shall be read and countersigned by the hoistman assuming duty for the succeeding period. 1961-62, c. 81, s. 352 (3), *amended*.

Idem

(4) Such entries as are required by this section shall be made and signed by every hoistman for his period of duty on a shaft or winze hoist and the time and duration of his period of duty shall also be noted, and such entries as have been made during the preceding twenty-four hours shall be read and countersigned each day by the master mechanic or other authorized person. 1961-62, c. 81, s. 352 (4).

RAISE CLIMBERS

Brakes

405.—(1) Raise climbers shall be fitted with more than one means of braking, each capable of stopping the climber and holding it in place.

Testing of
brakes

(2) The operator of a raise climber shall ensure at the beginning of his shift that the brakes are in safe working condition.

Mainten-
ance

(3) Raise climbers shall be maintained in safe operating condition.

Load
capacity

(4) The rated load capacity of a raise climber as certified by the manufacturer shall not be exceeded.

- (5) Where raise climbers are used pursuant to section 265 ^{Log book} or subsection 2 of section 375, an approved log book shall be maintained.
- (6) A record of inspections, maintenance and repairs shall ^{Record kept} be maintained in the log book.
- (7) The log book shall be available to the district engineer ^{Availability to engineer} at all times. 1961-62, c. 81, s. 387, *amended*.

PITS AND QUARRIES

- 406.—(1) In workings of clay, sand, gravel or other types ^{Under-mining prohibited} of unconsolidated material, the method of removing material by undermining shall not be used. 1961-62, c. 81, s. 411 (1).
- (2) Where mechanical equipment is not used, no working ^{Height of working face} face in workings of clay, sand, gravel or other types of unconsolidated material shall have a vertical height of more than ten feet unless the material is at a suitable angle to ensure safety. 1961-62, c. 81, s. 411 (2), *amended*.
- (3) Where the thickness of the material exceeds ten ^{Terraces} feet in vertical depth, the work shall be done in terraces or at a suitable angle to ensure safety.
- (4) Where mechanical equipment is used in loading ^{Use of mechanical equipment} clay, sand, gravel or any other type of unconsolidated material, unless the material is at a suitable angle of repose, no working place shall have a vertical height of more than five feet above the top of the boom or the bottom of the bucket raised to its highest operating position. 1961-62, c. 81, s. 411 (3, 4).
- (5) No internal combustion engine shall be installed or ^{Use of internal combustion engines} operated in any pit or quarry unless adequate provision is made to ensure that exhaust gases and fumes will not accumulate therein to a degree that is likely to endanger the safety of any person. *New*.
407. Unless permission in writing is first obtained from ^{Height of face in consolidated material} the chief engineer, all open-cut (cast) operations (workings) in consolidated material over sixty-five feet in depth shall be worked in benches not more than sixty-five feet high, and due precautions shall be taken to maintain the walls, benches and broken material in a safe working condition, and no working face shall be advanced by undercutting, except where a tunnelling method is used. 1961-62, c. 81, s. 412, *amended*.

- Fencing pits and quarries 408. Every pit or quarry dangerous by reason of its depth shall be securely fenced or otherwise protected against inadvertent access. 1961-62, c. 81, s. 413.
- Stripping overburden 409.—(1) In all open-pit workings, all unconsolidated materials, such as clay, earth, sand, gravel, and loose rock, lying within six feet of the rim of the pit or quarry, shall be removed.
- Idem (2) Beyond this strip, all overburden shall be sloped to an angle less than its natural angle of repose. 1961-62, c. 81, s. 414.
- Precautions when stockpiling 410.—(1) When dumping material from a vehicle to a stockpile, due precautions shall be taken to keep the vehicle at a safe distance from the edge. 1961-62, c. 81, s. 415.
- Exits from tunnels under stockpiles (2) Two exits shall be provided from a tunnel under a stockpile. *New.*
- Property boundaries, unconsolidated material 411.—(1) Unless the adjoining owners agree to dispense therewith, in sand, clay or gravel or other natural unconsolidated material, excavation operations shall not be carried on within a distance from the property boundary of half the height of the total pit face, and material that sloughs from within this distance shall not be removed. 1961-62, c. 81, s. 416 (1).
- Idem, rock quarries (2) Unless the adjoining owners agree to dispense therewith, no quarrying operation shall be carried on in a rock quarry within a distance of fifteen feet from the property boundary.
- Idem (3) Subject to subsection 2, where there is overburden in a rock quarry, the natural slope of the overburden shall be allowed for from the property boundary in addition to the six feet required by subsection 1 of section 409. 1961-62, c. 81, s. 416 (2, 3), *amended.*
- Examination of wall 412.—(1) No person shall be permitted to work near a pit or quarry wall until the wall has been examined by the supervisor in charge of the crew.
- Idem (2) If the wall is found unsafe, the supervisor shall have all hazards removed before permitting any other work. 1961-62, c. 81, s. 417, *amended.*
- Inspection of derrick guy wires 413. Derrick guy wires shall be regularly inspected and maintained. 1961-62, c. 81, s. 418.
- Safety belts and safety harnesses 414.—(1) Every person engaged in work on the wall of a pit or quarry at such operations as barring loose

material, scaling or cleaning, shall wear continually a safety belt or safety harness.

- (2) The rope of such belt or harness shall be securely snubbed above the working place or the rope may be held taut by one or more persons. 1961-62, c. 81, s. 419, *amended*. Snubbing, etc.
415. No person shall be lowered or raised or allow himself to be lowered or raised by means of a hoist or derrick at a pit or quarry unless permission is first obtained in writing from the chief engineer. 1961-62, c. 81, s. 420, *amended*. Hoisting of persons prohibited
416. Where a load is being hoisted or lowered by means of a hoist or derrick at a pit or quarry, a signalman, where required, shall notify all persons in the vicinity to retire to a place of safety until the load has cleared the danger zone. 1961-62, c. 81, s. 421, *amended*. Signalman to clear area
- 417.—(1) An effective block, automatic derail or safety switch shall be provided at the top of each inclined place at a pit or quarry to prevent cars from accidentally running down. Deraill at top of incline
- (2) Such installation, however, is not required where the skip or car remains attached to the hoisting rope. 1961-62, c. 81, s. 422, *amended*. Exception
418. At all rock quarries and open pits, a record of each primary blast, signed by the person in charge of the blast, shall be kept and the following information recorded: Record of primary blasts
 1. Date, time and location of the blast.
 2. Burden, spacing, depth and number of holes blasted.
 3. Weight of explosives or blasting agents, footage of top stemming and firing delay detonators used in respect of each hole.
 4. Weight of explosives or blasting agents used per estimated ton broken. 1961-62, c. 81, s. 423, *amended*.
419. Unless the movement of a hoisting conveyance at a pit or quarry is visible to the hoistman at all times, a suitable signal system shall be installed and maintained, and suitable signals, approved by the district mining engineer, shall be used. 1961-62, c. 81, s. 424, *amended*. Hoisting signals

Travelling
ways

420.—(1) At every pit or quarry, there shall be provided and maintained in good working condition a suitable travelling way leading from the working level of the pit or quarry to the surface. 1961-62, c. 81, s. 425 (1), *amended*.

Where
stairways
or ladders
mandatory

(2) Where the travelling way is inclined at more than 30 degrees and less than 50 degrees to the horizontal, stairways or ladders shall be provided.

Hand-rails
on stairways

(3) All stairways shall be equipped with substantial and suitably placed hand-rails. 1961-62, c. 81, s. 425 (2, 3).

Where
ladders
mandatory

(4) Where the travelling way is inclined at more than 50 degrees to the horizontal, ladders shall be provided. 1961-62, c. 81, s. 425 (4), *amended*.

Platforms

(5) Substantial platforms shall be built at intervals not exceeding twenty-one feet in the ladderway and at all places where the ladders are off-set.

Maximum
inclination
of ladders

(6) Except for approved access ladders to equipment, no ladder shall be installed at an inclination of more than 70 degrees to the horizontal. 1961-62, c. 81, s. 425 (5, 6).

STEAM, COMPRESSED AIR

Steam
boilers

421.—(1) Every steam boiler used for generating steam in or about a mine, whether separate or one of a range,

(a) shall have attached to it a proper safety-valve, steam-gauge and water-gauge to show respectively the pressure of steam and the height of water in each boiler; and

(b) shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer. 1961-62, c. 81, s. 452 (1), *amended*.

Certificate
to be
posted

(2) The certificate of inspection shall be kept posted in the boiler room at all times. 1961-62, c. 81, s. 452 (2).

Mainten-
ance

422. Every such boiler, safety-valve, steam-gauge and water-gauge shall be maintained in proper working condition. 1961-62, c. 81, s. 453.

- 423.—(1) Every air receiver installed at the surface of a mine and those installed with an air compressor underground shall be inspected by an Ontario Government boiler inspector or by an inspector of a boiler insurance company at least once in every twelve months, and a certified copy of the report of the inspection shall be forwarded to the chief engineer. Air receivers and compressors
- (2) The certificate of inspection shall be kept posted in the compressor room at all times. Certificate to be posted
- (3) All intercoolers, aftercoolers, inlet and discharge valves on stationary compressors in operation shall be examined at least once in every twelve months and shall be cleaned when necessary. 1961-62, c. 81, s. 454 (1-3). Examination and maintenance
- (4) A temperature-indicating device shall be installed on the high pressure discharge of each compressor and the normal operating temperature of the compressor shall be indicated by a red mark on the scale of the device. 1961-62, c. 81, s. 454 (4, 5), *amended*. Temperature-indicating device
- (5) The temperature shall be observed at regular intervals during the shift and shall be recorded in the compressor log book. Recording of temperature
- (6) Subsections 3, 4 and 5 do not apply to, Exception
- (a) a compressor discharging to atmosphere;
 - (b) a compressor installation with a prime-mover having a Therm-hour rating of 1.145 or less;
 - (c) a compressor plant used for compressing air to a pressure of more than 15 pounds per square inch where the total Therm-hour rating of the prime-mover or movers is 1.908 or less; or
 - (d) a compressor where the cylinders are not lubricated with oil. 1961-62, c. 81, s. 454 (6, 7), *amended*.
- (7) The air receivers mentioned in subsection 1 shall be examined at least once in every twelve months and shall be cleaned when necessary. Examination of air receivers
- (8) A book shall be kept in which shall be recorded the date of every examination and cleaning under sub- Record of examinations

sections 3 and 7 and a note shall be made as to the condition of the appliance examined or cleaned. 1961-62, c. 81, s. 454 (8, 9).

PROVISIONS GOVERNING THE USE OF ELECTRICITY

Interpre-
tation

424.—(1) In this section and in sections 425 to 563,

1. "accessible", as applied to equipment, means permitting close approach due to not being guarded by locked doors, elevation or other effective means;
2. "armoured cable" means a cable provided with an outer covering, fabricated from a metal other than lead, which forms an integral part of the assembly of the cable and is designed primarily to afford mechanical protection;
3. "authorized person" means,
 - i. a qualified person who, because of his duties or occupation, is delegated to approach or handle electrical equipment, or
 - ii. any other person who, having been warned of the hazards involved, has been instructed or authorized to approach or handle electrical equipment by some person having authority to give the instructions or authorization;
4. "branch circuit" means the part of a circuit that extends beyond the final over-current devices on the circuit;
5. "circuit" means a path through which electric current can flow;
6. "circuit-breaker" means an electro-mechanical device designed to open, under both overload and short-circuit conditions, a current-carrying circuit without injury to the device;
7. "conductor" means a body so constructed from conducting material that it may be used as a carrier of electric current;

8. "contactor" means a device, operated other than by hand, for repeatedly establishing and interrupting an electric power circuit;
9. "disconnecting means" means a device, group of devices or other means whereby the conductors of a circuit can be disconnected from their source of supply;
10. "electrical equipment" means any apparatus, appliance, device, instrument, fitting, fixture, machinery, material or thing used in or for, or capable of being used in or for, the generation, transformation, transmission, distribution, supply or utilization of electric power or energy, and, without restricting the generality of the foregoing, includes any assemblage or combination of materials or things which is used, or is capable of being used or adapted, to serve or perform any particular purpose or function when connected to an electrical installation, notwithstanding that any such materials or things may be mechanical, metallic or non-electric in origin;
11. "feeder" means a conductor, or group of conductors, which transmits electrical energy from a service supply, transformer, switchboard, distribution centre, generator or other source of supply to branch circuit overcurrent devices;
12. "ground" means a connection to earth obtained by a ground electrode;
13. "ground electrode" means a buried metallic water-piping system or metal object or device buried in or driven into the ground so as to make intimate contact therewith and to which a grounding conductor is electrically and mechanically connected;
14. "grounded" means connected effectively with the general mass of the earth through a grounding system having a current-carrying capacity sufficient at all times, under the most severe conditions that are liable to arise in practice, to prevent a current in the grounding conductor from causing a harmful voltage to exist,

- i. between the grounded conductors and neighbouring exposed conducting surfaces that are in good contact with the earth, or
 - ii. between the grounded conductors and neighbouring surfaces of the earth itself;
- 15. "grounding conductor" means a path of suitable metal specially arranged as a means whereby electrical equipment is electrically connected to a ground electrode;
- 16. "grounding system" means all conductors, clamps, ground clips, ground plates or pipes and ground electrodes by means of which the electrical installation is grounded;
- 17. "guarded" means covered, shielded, fenced, enclosed or otherwise protected by means of suitable covers, or casings, barriers, rails or screens, mats or platforms, to remove the likelihood of dangerous contact or approach by persons or objects;
- 18. "isolating means" means a device, group of devices or other means intended for isolating an electric circuit from its source of power and intended to be operated only after the circuit has been opened by some other means;
- 19. "mobile", as applied to electrical equipment, means the equipment is specifically designed not to be used in a fixed position;
- 20. "overcurrent device" means any device capable of automatically opening an electrical circuit both under pre-determined overload and short-circuit conditions either by fusing of metal or by electro-mechanical means;
- 21. "overload device" means a device affording protection from excess current but not necessarily short-circuit protection, and capable of automatically opening an electric circuit either by the fusing of metal or by electro-mechanical means;
- 22. "qualified person" means a person familiar with the construction and operation of electrical equipment and the hazards involved;

23. "switch" means a device for making, breaking or changing connections in a circuit, and
 - i. "general use switch" means a switch that is intended for use in general distribution and branch circuits, is rated in amperes and is capable of interrupting its rated current at rated voltage, and
 - ii. "motor circuit switch" means a switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower at the rated voltage;
24. "switchboard" means a panel or assembly of panels on which are mounted any combination of switching, measuring, control and protective devices, buses and connections, designed with a view to successfully carrying and rupturing the maximum fault current encountered when controlling incoming and outgoing feeders;
25. "utilization equipment" means equipment, devices and connected wiring that utilize electrical energy for mechanical, chemical, lighting, testing or similar purposes and are not a part of the supply equipment, supply lines or communication lines;
26. "visible break", where applied to a disconnecting means, means a switch or device wherein the separation between all members of the movable and the fixed current-carrying parts may be readily determined by visual inspection;
27. "voltage" or "volts" means the highest effective difference of potential between the conductors of the circuit concerned;
28. "voltage to ground" means,
 - i. in grounded circuits, the highest effective difference of potential between any wire of the circuit and ground,
 - ii. in ungrounded circuits, the highest effective difference of potential existing in the circuit;

29. "wire gauge" means the standard known as A.W.G. (American Wire Gauge) or B. & S. (Brown and Sharpe) wire gauge. 1961-62, c. 81, s. 455.

Applica-
tion of
ss. 425-563

- (2) Except where a contrary intent is provided, sections 425 to 563 apply to mines, on surface and underground, and to plants. *New*.

GENERAL

Disconnec-
tion when
abandoned

425. In case of the abandonment of a mine or plant, the owner, agent or manager shall cause the station or stations supplying power to and being the property of the mine or plant to be disconnected from the power source and within fourteen days shall notify the chief engineer in writing that the disconnection has been made. 1961-62, c. 81, s. 456, *amended*.

Require-
ments to be
observed

- 426.—(1) Electrical equipment shall be designed, installed and maintained in compliance with the requirements of this Part. 1961-62, c. 81, s. 457.

Notification
required

- (2) The district electrical-mechanical engineer shall be notified of any proposed,
- (a) major electrical installation;
 - (b) radio-frequency transmitter installation; or
 - (c) major extension to existing installations. *New*.

Accepted
standard

427. The edition that is current from time to time of the Canadian Electrical Code, Part I, shall be accepted as good practice in the installation of electrical equipment except where it conflicts with the provisions of this Part in which case the provisions of this Part prevail. 1961-62, c. 81, s. 458, *amended*.

Hazard free

428. All electrical equipment shall be of such construction and so installed and maintained as to reduce fire hazard injury to persons as far as is practicable. 1961-62, c. 81, s. 459, *amended*.

Identifica-
tion of
equipment

429. All electrical equipment shall be suitably identified where necessary for safety. 1961-62, c. 81, s. 460.

Nameplate
required

430. Electrical equipment shall show a plate bearing the maker's name and all other ratings, such as horse-power, voltage or current, necessary to prove its suitability. 1961-62, c. 81, s. 461.

- 431.—(1) Where electrical apparatus is used at a mine or plant, it shall be in the charge of an authorized person who shall be qualified by experience to handle such apparatus. 1961-62, c. 81, s. 462 (1), *amended*. Competent person in charge
- (2) Every person operating or having charge of electrical apparatus shall have been instructed in his duty and shall be competent to perform the work that he is set to do. Idem
- (3) Repairs, extensions and changes to existing electrical installations shall be made only by qualified persons. 1961-62, c. 81, s. 462 (2, 3). Idem
432. Temporary wiring and equipment that do not comply with this Part may be used in an emergency, but only when under competent supervision or protected by suitable barriers or warning signs while it or neighbouring wiring is alive and accessible to unauthorized persons, and such temporary installations are permissible only for the period of the emergency. 1961-62, c. 81, s. 463, *amended*. Temporary installations
- 433.—(1) Defective equipment shall be put in good order or permanently disconnected. Defective equipment
- (2) Defective wiring shall be repaired or removed. 1961-62, c. 81, s. 464. Defective wiring
- 434.—(1) No repairs or alterations shall be carried out on live equipment except where complete disconnection of the equipment is not practicable. Repairs or alterations to electrical equipment
- (2) When repairs or alterations are being made, whether the equipment is alive or dead, all necessary precautions shall be taken to ensure that the work may be done safely. Idem
- (3) In places where explosive or highly flammable materials or gases are present, or in wet locations, repairs or alterations shall not be made on live equipment. 1961-62, c. 81, s. 465, *amended*. Idem
- 435.—(1) All switches controlling apparatus shall be locked or plainly tagged in the open position to prevent the inadvertent closing thereof while work is being done on the apparatus. Locking or tagging switches
- (2) Notices placed on electrical equipment shall be of non-conducting materials. 1961-62, c. 81, s. 466. Idem

Fire-
extinguish-
ing
appliances

436.—(1) Where installed electrical apparatus presents a fire hazard, each room or space shall be provided with an adequate approved fire-extinguishing appliance, conveniently located and conspicuously marked.

Idem

(2) Any fire-extinguishing appliance that has not been approved for use on live parts shall not be placed in a room containing electrical apparatus or exposed lines unless a sign is mounted at the appliance warning against its use on electrical fires. 1961-62, c. 81, s. 467.

GROUNDING

Protection
from
mechanical
injury

437. Grounding conductors shall have adequate protection where exposed to mechanical injury. 1961-62, c. 81, s. 468.

Circuits
to be
grounded

438.—(1) One conductor of all circuits not over 150 volts shall be grounded if exposed to leakage from higher voltage circuits either through overhead construction or through transformers having a primary voltage exceeding 750 volts, except where such circuits form part of a control circuit or signalling system the grounding of which would affect the reliability of service.

Idem

(2) Three-wire single-phase circuits not exceeding 300 volts between outer conductors shall have the neutral grounded.

Idem

(3) One conductor of the secondary circuits of all instrument transformers shall be grounded unless the circuits are installed and guarded as required for the high-voltage circuits of the transformers. 1961-62, c. 81, s. 469.

Size of
circuit
grounding
conductor

439.—(1) For grounding a.c. circuits, the grounding conductors shall have adequate current-carrying capacity and shall be not less than No. 8, A.W.G.

Idem

(2) The grounding conductor for secondary circuits of instrument transformers shall not be smaller than the conductors of the secondary circuit. 1961-62, c. 81, s. 470.

Equipment
to be
grounded

440.—(1) The exposed non-current-carrying metal parts of all electrical equipment shall be grounded when practicable,

(a) for all equipment over 150 volts; and

- (b) for all equipment under 150 volts where the exposed non-current-carrying metal parts are within reach of exposed grounded surfaces, such as metal frames of other machines, plumbing fixtures, conducting floors or walls.

- (2) Grounded surfaces within five feet horizontally of ^{Idem} the parts considered or within eight feet vertically of the floor shall be considered within reach. 1961-62, c. 81, s. 471.

- 441.—(1) The minimum size of grounding conductor for raceways and fixed equipment shall be not less than that provided by a copper conductor of a size indicated in the following table: ^{Size of equipment grounding conductor}

MINIMUM SIZE OF GROUNDING CONDUCTOR
FOR RACEWAYS AND EQUIPMENT

Rating or Setting of Automatic Overcurrent Device in Circuit Ahead of Equipment, Conduit, etc., Not exceeding— Amperes	Size of Grounding Conductor			
	Copper Wire AWG	Alum. Wire AWG	Conduit or Pipe Inch	Electrical Metallic Tubing Inch
20	16*	14*	1/2	1/2
30	14	12	1/2	1/2
40	12	10	1/2	1/2
60	10	8	1/2	1/2
100	8	6	1/2	1/2
200	6	4	1/2	1
400	4	2	3/4	1 1/4
600	2	0	3/4	1 1/4
800	0	00	1	2
1000	00	000	1	2
1200	000	0000	1	2

*Permissible only when part of an approved cable assembly.

- (2) Where the grounding conductor is run outside the ^{Idem} cable armour or conduit enclosing the associated circuit conductors, the minimum size of such a grounding conductor shall be No. 8, A.W.G. 1961-62, c. 81, s. 472.

442. Flexible cord used to supply portable equipment ^{Grounding conductor size for portable equipment} having a rating of fifteen amperes or less at voltages not exceeding 250 volts shall have included in the cord assembly a grounding conductor whose size shall be,

- (a) not smaller than No. 16, A.W.G. if uninsulated, or No. 18, A.W.G. if insulated; and

- (b) at least the same size as the current-carrying conductors, except that, in cords of No. 12, A.W.G. and larger, it may be two A.W.G. sizes smaller than the other conductors. 1961-62, c. 81, s. 473.
- Means of attachment to circuits and equipment 443. The grounding conductor, bond or bonding jumper shall be attached to circuits, conduits, cabinets, equipment and the like, which are to be grounded, by means of suitable lugs, pressure connectors, clamps or other approved means. 1961-62, c. 81, s. 474.
- Material for grounding conductors 444. The grounding conductor shall be of copper or other metal that will not corrode excessively under the existing conditions. 1961-62, c. 81, s. 475.
- Piping system used as ground 445.—(1) Ground connections to metallic water or air systems shall be made beyond any point liable to disconnection.
- Idem (2) Main water or air lines shall be substantially bonded together for this purpose, but shall, unless connected to a buried piping system of considerable extent that will provide a low-resistance ground, be connected to an artificial ground electrode. 1961-62, c. 81, s. 476.
- Means of attachment to ground electrode 446. The grounding conductor shall be connected to the grounding electrode by means of a substantial ground clamp or other equivalent means. 1961-62, c. 81, s. 477.
- Artificial electrodes 447.—(1) Artificial ground electrodes shall consist of driven pipes, rods, buried plates or other devices acceptable for the purpose.
- Idem (2) Electrodes of iron or steel pipe shall be not less than $\frac{3}{4}$ -inch internal diameter and shall be galvanized.
- Idem (3) Rod electrodes shall be not less than $\frac{5}{8}$ -inch in diameter if of iron or steel or $\frac{1}{2}$ -inch in diameter if of non-ferrous metal. 1961-62, c. 81, s. 478.
- Resistance of electrodes 448. The grounding system shall be connected to the body of the earth, on the surface, through an earth-contact resistance acceptable to the district electrical-mechanical engineer. 1961-62, c. 81, s. 479, amended.

449. The earth-contact of the main grounding system and supplementary earth-contacts shall be provided with means to facilitate measurement of earth-contact resistances. 1961-62, c. 81, s. 480. Resistance
measure-
ment

WIRING METHODS

450. Conductors shall be suitable for the location, use and voltage of the circuit and shall have sufficient current-carrying capacity for the current they are required to carry. 1961-62, c. 81, s. 481. Types of
conductors

451. Portable conductors supplying mobile equipment operating at more than 300 volts shall conform with the following specifications: Portable
power
conductors

1. The cable shall have a voltage rating not less than 50 per cent higher than the normal operating voltage of the circuit.
2. Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
 - i. limit ground fault current, and
 - ii. limit the possible rise of ground fault potential on any connected equipment to a maximum of 100 volts,

and where ground fault protection is provided.

3. All conductors including grounding conductors shall be contained in one flexible, jacketed cable assembly.
4. Where the cable contains both the power circuit and its remote control circuit, each circuit conductor shall be insulated, as required by paragraphs 1 and 2, for the highest potential employed in the cable, except that, where sheathing, as in paragraph 10, is provided, the control conductors need only be insulated for their normal operating voltage.
5. The minimum size of the power conductors shall be No. 12, A.W.G.

6. The cable shall contain as many grounding conductors as power conductors and the grounding conductors shall be located in the outer interstices between the power conductors.
7. Remote control conductors contained in the cable need not be considered power conductors in determining the number of grounding conductors.
8. The grounding conductors contained in the cable shall be uninsulated and shall have a total conductance of not less than 60 per cent of the largest power conductor.
9. The minimum size of each grounding conductor shall be not less than No. 12, A.W.G.
10. Cables on circuits operating over 750 volts shall have a grounded sheathing, consisting of tinned copper wire mesh, or the equivalent, around each power conductor, and this sheathing shall be, throughout the length of the cable, in contact with the interstitial grounding conductors.
11. Where connectors are used to attach cables to mobile equipment, the cable shall be secured in such a manner as to prevent mechanical damage.
12. Portable cable used to supply equipment in underground workings shall have an outer jacket of a material that will not support combustion and shall be continuously identified as having such a jacket. 1961-62, c. 81, s. 482, *amended*.

Guarding of
live parts

452.—(1) All exposed current-carrying parts of electrical equipment, such as bus-bars, conductors and terminals, operating at over 150 volts, shall be,

- (a) armoured;
- (b) enclosed in a suitable raceway; or
- (c) isolated by elevation or guarded. 1961-62, c. 81, s. 483.

Open
wiring

- (2) Except in cases of emergency, open wiring shall not be used. *New*.

453. All conductors of an a.c. circuit shall be contained in the same raceway. 1961-62, c. 81, s. 484. A.C. circuits in raceways
454. Where conductors of different systems are installed in the same raceway or armouring, each conductor shall be insulated for the highest potential employed or, in the case of a raceway, separated by a suitable barrier. 1961-62, c. 81, s. 485. Conductors of different systems in raceways or armouring
455. Conductors of different systems shall not be installed in the same box, cabinet or auxiliary gutter unless effectively separated by barriers. 1961-62, c. 81, s. 486. Conductors of different systems in enclosures
456. Identifying barriers shall be provided between circuits where more than one set of single-pole, blade-type isolating switches are installed adjacent to each other. 1961-62, c. 81, s. 487, *amended*. Barriers
457. Metal-covered and insulated conductors in conduit, where joined to transformers, motors, switchgear and other apparatus, shall have their metal coverings secured to such apparatus by clamps, locknuts or other devices to protect the insulated conductors from mechanical injury. 1961-62, c. 81, s. 488. Connections to apparatus

PROTECTION AND CONTROL

- 458.—(1) The type and rating of protective and control devices shall be suitable for their use. Type and rating of protective and control devices
- (2) All protective and control devices installed outdoors shall be of a design suitable for their location. 1961-62, c. 81, s. 489. Idem
- 459.—(1) Each ungrounded conductor shall be protected by an overcurrent device at the point where it receives its supply of current and at each point where the size of the conductor is decreased, except that such protection may be omitted, Overcurrent devices required
- (a) where the branch circuit is not more than twenty-five feet in length;
 - (b) where the protection for a larger conductor adequately protects a smaller; and
 - (c) where the opening of the circuit may cause special hazard by the interruption of service or removal of protection.

- | | |
|----------------------------------|--|
| Idem | (2) The rating or setting of the protective device shall not exceed the allowable current-carrying capacity of the circuit conductors except in the case of branch motor circuits where the rating or setting of the device may be increased sufficiently to take care of motor-starting currents. |
| Idem | (3) Unless the opening of the device disconnects all circuit conductors at the same time, no manually-operated or automatically-operated disconnecting device shall be placed in a neutral or grounded conductor. 1961-62, c. 81, s. 490. |
| Enclosure of overcurrent devices | 460. Overcurrent devices shall be enclosed in cut-out boxes or cabinets unless they form a part of an approved assembly that affords equivalent protection or unless mounted on switchboards, panel-boards, or controllers located in rooms or enclosures free from easily ignitable material and dampness, and accessible only to authorized persons. 1961-62, c. 81, s. 491. |
| Control devices, general | 461.—(1) Suitable control devices shall be inserted in all feeders and branch circuits. |
| Idem | (2) All control devices shall be readily and safely accessible to authorized persons and shall be so located, labelled or marked as to afford means of identifying circuits or equipment supplied through them and shall indicate whether they are open or closed. 1961-62, c. 81, s. 492. |
| Rating of control devices | 462.—(1) Control devices shall have ratings suitable for the connected load of the circuits they control and, with the exception of isolating switches, shall be capable of interrupting such loads. |
| Grouping of control devices | (2) Control devices shall be grouped where practicable. |
| Location of control devices | (3) All control devices shall be so arranged that the operating mechanisms are readily accessible to the operator. 1961-62, c. 81, s. 493. |
| Enclosure of control devices | 463.—(1) Control devices, unless they are located or guarded so as to render them inaccessible to unauthorized persons and to prevent fire hazards, shall have all current-carrying parts in enclosures of metal or other fire-resisting material. |
| Idem | (2) Manually-operable control devices shall be so constructed that they may be switched to the "off" position without exposing live parts. |

- (3) Manually-operable control devices shall clearly indicate the "on" and "off" positions. 1961-62, c. 81, s. 494. ^{Idem}
464. Control devices shall, if practicable, be so connected that the blades or moving contacts will be dead when the device is in the open position. 1961-62, c. 81, s. 495. ^{Connection of control devices}
465. Control devices used in combination with over-current devices or overload devices for the control of circuits or apparatus shall be connected so that the overcurrent or overload devices will be dead when the control device is in the open position. 1961-62, c. 81, s. 496. ^{Control devices ahead of overcurrent devices}
- 466.—(1) Disconnecting means of the visible-break type shall be installed on all circuits operating at over 300 volts to ground and shall be as near as is practicable to the point of supply. ^{Visible break requirement}
- (2) Unless a control device on circuits over 300 volts makes a visible break, there shall be installed between the control device and its point of supply a suitable disconnecting switch. 1961-62, c. 81, s. 497. ^{Idem}
- 467.—(1) On each ungrounded utilization system over 300 volts, at least one suitable device shall be installed and maintained for the purpose of indicating ground faults. ^{Ground fault detector requirement}
- (2) Such device shall be provided with, ^{Idem}
- (a) short-circuit protection; and
- (b) disconnecting means. 1961-62, c. 81, s. 498 (1, 2).
- (3) When a ground fault is indicated, it shall be located and removed as soon as is practicable. 1961-62, c. 81, s. 498 (4). ^{Idem}
468. Adequate illumination shall be provided to allow for proper operation of electrical equipment. 1961-62, c. 81, s. 499. ^{Illumination of equipment}
469. Where electrical equipment requires an attendant, there shall be provided a separate emergency source of illumination from an independent generator, storage battery or other suitable source. 1961-62, c. 81, s. 500. ^{Emergency illumination of equipment}

INSTALLATION OF EQUIPMENT

Working
space

470. Adequate clear working space with secure footing shall be provided about all electrical equipment. 1961-62, c. 81, s. 501.

TRANSFORMERS

General

471. Transformers shall be of a type and design suitable for the location in which they are to be installed. 1961-62, c. 81, s. 502.

Nameplate
required
for trans-
formers

472. Each transformer shall be provided with a nameplate bearing the following markings:
1. Maker's name.
 2. Rating in kva.
 3. Rated full load temperature rise.
 4. Primary and secondary voltage ratings.
 5. Frequency in cycles per second.
 6. Liquid capacity, if of the liquid-filled type.
 7. Type of liquid to be used, if it is to be filled with an approved liquid that will not burn in air. 1961-62, c. 81, s. 503.

Isolation
and
guarding
of trans-
formers

473. Transformers having a voltage rating in excess of 750 volts and all transformers having exposed terminals, including their conductors and control and protective devices, shall be accessible only to authorized persons and, unless isolated by elevation, they shall be surrounded by an enclosure that, if of metal, shall be grounded, and suitable warning signs indicating the highest potential employed shall be conspicuously posted. 1961-62, c. 81, s. 504.

Special
trans-
formers

- 474.—(1) Dry-core type transformers with Class A insulation, if installed within a building not of fire-resistive construction, shall be in a fire-resistive enclosure.

Idem

- (2) Transformers containing an approved liquid that will not burn in air and transformers of the dry-core type with Class B or Class C insulation may be installed within or attached to the wall of a building not of fire-resistive construction, if they are surrounded by a suitable enclosure to prevent mechanical injury and access by unauthorized persons. 1961-62, c. 81, s. 505.

- 475.—(1) Oil-filled transformers installed outdoors shall be located not less than fifty feet distant from the shafthouse or any combustible building attached thereto, and means shall be provided to contain escaping oil or to direct the flow away from such buildings. ^{Liquid-filled transformers}
- (2) Oil-filled transformers shall not be mounted on or above combustible roofs and, if attached to the exterior of a building other than a transformer-house, shall be placed only against non-combustible walls and away from all openings. ^{Idem}
- (3) Transformer buildings containing oil-filled transformers, if not entirely of fire-resistive construction, shall be located at least fifty feet distant from any other combustible building. ^{Idem}
- (4) Oil-filled transformers, if within a building other than a transformer-house, shall be in a vault. ^{Idem}
- (5) Transformers having their cores immersed in a liquid that will not burn in air may be installed without a vault if, ^{Idem}
- (a) the transformer is protected from mechanical damage either by location or guarding;
 - (b) a pressure relief vent is provided where the rating exceeds 25 kva at 25 cycles or 37½ kva at 60 cycles; and
 - (c) a means of absorbing gases generated by arcing inside the case, or a pressure relief vent connected to outdoors, is provided where the transformer is installed in a poorly-ventilated section. 1961-62, c. 81, s. 506.
- 476.—(1) When primaries are above 750 volts, secondary circuits of current and potential transformers, unless otherwise adequately protected from injury or contact with persons, shall be in permanently-grounded conduit or armour. ^{Instrument transformers}
- (2) Secondary circuits of current transformers shall be provided with means for short-circuiting them that can be readily connected while the primary is energized and that are so arranged as to permit the removal of any instrument or other device from the circuits without opening the circuits. 1961-62, c. 81, s. 507. ^{Idem}

Overcurrent
protection
for trans-
formers

477. Each transformer or each bank of transformers operating as a unit shall have overcurrent protection. 1961-62, c. 81, s. 508.

Control and
protection
require-
ments

- 478.—(1) Control and protective devices, complying with one of the following, shall be installed for all power and distribution transformers:

- (a) Circuit-breakers of adequate interrupting capacity and rating.
- (b) Fuses of adequate rating and interrupting capacity preceded by suitable group-operated visible-break load-interrupting devices capable of making and interrupting their full load rating and that may be closed with safety to the operator with a fault on the system.
- (c) Fuses of adequate rating and interrupting capacity preceded by a group-operated visible-break air-break switch capable of interrupting the magnetizing current of the transformer installation and that may be closed with safety to the operator with a fault on the system and so interlocked with the transformer secondary load interrupters as to prevent its operation under load.

Idem

- (2) Where the transformer rating does not exceed 100 kva per phase and the potential between phases does not exceed 7,500 volts, a single-pole disconnecting fuse of adequate interrupting capacity may be used on the primary. 1961-62, c. 81, s. 509.

SWITCHBOARDS AND SWITCHGEAR

General

479. Panels of switchboards shall be of incombustible material and shall be substantially supported on a metal framework. 1961-62, c. 81, s. 510.

Illumination
of switch-
boards

480. Adequate illumination shall be provided for reading instruments and other operations. 1961-62, c. 81, s. 511.

Location of
switchgear

481. Switchgear, if not of the dead-front or enclosed type, and live parts on the rear of dead-front switchboards shall be inaccessible to unauthorized persons. 1961-62, c. 81, s. 512.

- 482.—(1) There shall be a space of not less than three feet ^{Clearance back of switchboard} between equipment on the back of a fixed switch-board and the nearest adjacent wall when such equipment is less than seven feet from the floor.
- (2) Ready means for ingress and egress to the space ^{Ingress and egress} behind the switchboard shall be provided.
- (3) Doors or gates of suitable material may be provided ^{Doors, etc.} at such points for guarding-purposes but they shall be capable of being readily opened from the inside without the use of a key or tool.
- (4) The space behind the switchboard shall be kept ^{Space to be kept clear} clear of foreign material and shall not be used for storage purposes. 1961-62, c. 81, s. 513.

TRANSMISSION LINES

483. All electrical supply lines and equipment shall be of ^{General} suitable design and construction for the service and the conditions under which they are to be operated, and all lines shall be so installed and maintained as to reduce fire hazard and injury to persons as far as is practicable. 1961-62, c. 81, s. 514.
484. Conductors and other current-carrying parts of ^{Isolation and guarding} supply lines shall be so arranged as to provide adequate clearance from the ground or other space generally accessible or shall be provided with guards so as to isolate them effectively from accidental contact of persons. 1961-62, c. 81, s. 515.
485. Where conductors over 300 volts are attached to ^{Entrance to buildings} any building for entrance, they shall be isolated by elevation or guarded. 1961-62, c. 81, s. 516.
- 486.—(1) Supply lines carried over railways operated by ^{Clearance over railways} steam, electric or other motive power and on which standard equipment, such as freight cars, is used shall have the style of construction and the clearances overhead as called for in the regulations of the Canadian Transport Commission.
- (2) Supply lines crossing over railways on which ^{Idem} standard equipment is not used and lines crossing over roadways shall have ample clearance for the operating conditions and shall be substantially supported. 1961-62, c. 81, s. 517.

STORAGE BATTERIES

Location
of storage
batteries

487. Storage batteries shall be kept in inaccessible battery rooms or enclosures used for no other purpose where,
- (a) the aggregate capacity at the eight-hour discharge rate exceeds five kilowatt hours; and
 - (b) the batteries are in unsealed jars or tanks.
- 1961-62, c. 81, s. 518.

Ventilation
of battery
rooms

- 488.—(1) Storage battery rooms shall be thoroughly ventilated.

Idem

- (2) Adequate means shall be provided for sufficient diffusion and ventilation of the gases from the battery to prevent the accumulation of an explosive mixture. 1961-62, c. 81, s. 519.

LIGHTNING ARRESTERS

Indoor
installation
of lightning
arresters

489. Where lightning arresters are installed in a building, they shall be located well away from all equipment, other than that which they protect, and from passageways and combustible parts of buildings. 1961-62, c. 81, s. 520.

Location of
lightning
arresters

490. Lightning arresters installed for the protection of utilization equipment,
- (a) may be installed either inside or outside the building or enclosure containing the equipment to be protected; and
 - (b) shall be isolated by elevation or guarded.
- 1961-62, c. 81, s. 521.

Grounding

- 491.—(1) All non-current-carrying parts of lightning arresters shall be grounded, unless effectively isolated by elevation or guarded as required for live parts of the voltage of the circuit to which the arrester is connected.

Idem

- (2) Grounding conductors for lightning arresters on power transmission systems shall be run as directly as possible and be of low resistance and ample capacity.

Idem

- (3) In no case shall such grounding conductors be less than No. 6 copper wire, nor shall such grounding conductors pass through metal conduits unless electrically connected to both ends of the conduits. 1961-62, c. 81, s. 522.

MOTORS

492. All motors shall be provided with approved starting and control equipment. 1961-62, c. 81, s. 523, *amended*. Control required
493. Where it is desired to interlock one motor control circuit with a second motor controller, Interlocking motor circuits
- (a) the supply or control conductors of one motor branch circuit shall not be run through or connected into the enclosure of a second motor controller unless such conductor or conductors are opened and de-energized by the disconnecting means of the second motor branch circuit; or
 - (b) a suitable relay may be interposed between the two controllers and located externally to both controllers. *New*.
494. In all cases, the motor-circuit switch, general-use switch or isolating switch shall be of the visible-break type. 1961-62, c. 81, s. 525. Visible-break requirement
495. Every motor and its starting and control equipment shall be provided with a disconnecting means which will open all ungrounded conductors to the motor and which conforms to one of the following: Disconnecting means required
- 1. An approved attachment plug and receptacle may serve as disconnecting means for a portable motor.
 - 2. An isolating switch or a general use switch may be used as a disconnecting means for motors of more than 50 horsepower.
 - 3. In all other cases the disconnecting means shall consist of a motor circuit switch, a circuit breaker, or equivalent approved device capable of safely establishing and interrupting the stalled rotor current of the motor. *New*.
496. The disconnecting means shall have a rating not less than the following: Rating of disconnecting means
- 1. A motor circuit switch for a single motor shall have a horsepower rating, not less than that of the motor it serves.

2. A circuit breaker or isolating switch for a single motor shall have a current rating not less than 115 per cent of the full load current rating of the motor it serves.
3. A fused motor circuit switch serving a group of motors under the protection of a single set of fuses need not have a rating greater than that required to accommodate the proper size of fuse.
4. An unfused motor circuit switch serving a group of motors under the protection of a single set of fuses need not have a rating greater than that required if a fused switch were used.
5. A disconnecting means serving a group of motors on a single circuit shall have,
 - i. a horsepower rating not less than that of the largest motor in the group, if a motor circuit switch is used, and
 - ii. a current rating not less than 115 per cent of the full load current rating of the largest motor in the group plus the sum of the full load current ratings of all the other motors in the group which may be in operation at the same time.

New.

Under-voltage protection required

497. Motors shall be disconnected from the source of supply in case of low voltage by one of the following means unless it is evident that no hazard will be incurred through the lack of such disconnection:

1. Where automatic restarting is liable to create a hazard, the motor control device shall provide low-voltage protection.
2. Where it is necessary or desirable that a motor stop on failure or reduction of voltage and automatically restart on return of voltage, the motor control device shall provide low-voltage release. 1961-62, c. 81, s. 528, *amended*.

Overload protection required

498. Each motor shall be suitably protected against continuous overload.

CRANES, SHOVELS AND OTHER SIMILAR MACHINERY

- 499.—(1) Crane collector wires shall be isolated by elevation and, where necessary, guarded. Guarding
and
isolation
- (2) Suitable means that will disconnect, under load, all ungrounded conductors of the circuit supplying a crane, as defined in subsection 1 of section 249, shall be, Discon-
necting
means
- (a) provided within sight of the main contact conductors or within sight of the equipment if there are no main contact conductors; and
- (b) accessible and operable from the ground or the floor over which the equipment operates. 1961-62, c. 81, s. 530.
- (3) A circuit-breaker or switch, capable of interrupting the circuit under heavy loads, shall be used unless the current collector can be safely removed, under heavy loads, from the crane collector wires. 1961-62, c. 81, s. 531. Switch
required
in cab
500. Where it is necessary to operate shovels or other similar machinery having a mast or movable boom near exposed electrical conductors, a clearance equal to not less than one-half the maximum horizontal reach of the machine shall be maintained unless, Protection
from
overhead
lines
- (a) the conductors are disconnected from the electrical supply and permission to work on the conductors has been authorized; or
- (b) the conductors are first given adequate mechanical protection by the electrical authority involved, to prevent contact by the machine, its attachments or load; or
- (c) the work involves the conductors and is being carried out by qualified electrical personnel using a machine with an insulated boom designed, built and tested for use on electrical potentials at least as high as that of the conductor involved; or
- (d) special permission has been obtained from the district electrical-mechanical engineer and under such conditions and precautions as he may require. *New.*

TROLLEY WIRES

Guarding
and
isolation

501. Trolley lines shall be isolated by elevation and, where necessary, guarded. 1961-62, c. 81, s. 532.

Require-
ments for
trolley lines
under-
ground

502. In underground workings, trolley lines shall,

(a) be isolated by an elevation of not less than six feet;

(b) operate at a potential not exceeding 300 volts to ground;

(c) be effectively guarded. 1961-62, c. 81, s. 533.

LIGHTING

Maximum
operating
voltage

503. The operating voltage of a lighting circuit shall not exceed 300 volts and the voltage to ground of a conductor shall not exceed 150 volts, but this section does not apply in the case of electric locomotives and cranes using direct current. 1961-62, c. 81, s. 534.

Neutral
identifica-
tion

504. The neutral conductor on lighting circuits shall be identified by a white braid covering or other equivalent means. 1961-62, c. 81, s. 535.

Portable
hand lamps

505. Portable lamps shall have their sockets enclosed in suitably-insulated handles through which the conductors shall be carried and shall have a protective cage that encloses the lamp. 1961-62, c. 81, s. 536.

WIRING IN EXPLOSIVES AND BLASTING
AGENTS STORAGES

General

506. All electrical wiring in explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings, or cap and fuse houses, shall be installed in rigid conduit with screwed water-tight joints or shall be armoured, moisture-proof cable. 1961-62, c. 81, s. 537.

Grounding

507. All conduit, armour, fittings and fixtures shall be permanently grounded. 1961-62, c. 81, s. 538.

Location
of control
and
protection

508. The switches and fuses for lighting, heating or telephone circuits for explosives or blasting agents magazines, thaw houses, detonator or blasting cap storage buildings and cap and fuse houses shall be in a fire-resistive cabinet located outside the compartment in which explosives, blasting agents, fuses or detonators, or blasting caps, are stored. 1961-62, c. 81, s. 539.

509. Lighting fixtures shall be of an approved dust-tight type. 1961-62, c. 81, s. 540. Type of lighting fixtures required
510. Lighting circuits shall be protected by fuses or manual reset overcurrent devices rated at not more than 10 amperes. 1961-62, c. 81, s. 541, *amended*. Overcurrent protection for lighting circuits
511. Circuits supplying power to explosives or blasting agents storages shall be protected against lightning surges. 1961-62, c. 81, s. 542. Lightning protection
512. Heating systems for explosives or blasting agent storages or cap and fuse houses shall be of a type acceptable to the district electrical-mechanical engineer. 1961-62, c. 81, s. 543, *amended*. Type of heating required
513. Where a liquid is the medium used for distribution of heat for an explosive or blasting agent storage or a cap and fuse house the radiators shall be grounded. 1961-62, c. 81, s. 544, *amended*. Radiators to be grounded
514. Heater circuits shall be fused at not more than 125 per cent of normal current. 1961-62, c. 81, s. 545. Fusing of heater circuits

ELECTRIC BLASTING DEVICES

515. The firing device used for firing charges with electricity in accordance with subsection 3 of section 310 shall be so arranged that, Construction
- (a) the switch mechanism will automatically return by gravity to the open position;
 - (b) the live side of such device is installed in a fixed locked box and shall be accessible only to the authorized blaster;
 - (c) provision is made that the leads to the face are short-circuited when the contacts of the electric blasting device are in the open position;
 - (d) the box in which the electric blasting device and the short-circuiting device are mounted is provided with a lock and the door is so arranged that it cannot be closed or locked unless the contacts of the electric blasting device is in place;
 - (e) where electricity from 550-volt circuits is used for blasting, the device shall be electromagnetically operated, except as provided in subsection 3 of section 310.

Precautions
re installation
of
blasting
cables

516. When blasting cables or wires are installed in the vicinity of power or lighting cables, proper precautions shall be taken to prevent the blasting cables or wires coming in contact with the lighting or power cables. 1961-62, c. 81, s. 547.

Isolated,
ungrounded
power
source

517. Circuits used for blasting from any source other than hand-held portable blasting devices shall be from an isolated, ungrounded power source and shall be used for blasting only. 1961-62, c. 81, s. 348, *amended*.

ELECTRIC HOISTS

General

518. Sections 519 to 544 apply to all electric hoists regardless of the method of operation. 1961-62, c. 81, s. 549.

Braking

519.—(1) For each electric hoist, protective devices shall be provided, which, in conjunction with the mechanical braking system, shall be capable of bringing a conveyance or counterbalance safely to rest under all conditions of authorized loading, direction of travel and speed without assistance from the drive.

Idem

(2) Where supplementary electrical braking is employed, at least the same degree of safety shall be supplied. 1961-62, c. 81, s. 550.

Safety
requirement

520. Except where otherwise specified, current-carrying parts of any safety device shall be so designed, installed and maintained that the failure of any such part will initiate emergency braking action to bring the hoist safely to rest. 1961-62, c. 81, s. 551.

Track limits
required
for
overwind
protection

521. Devices shall be installed in each hoisting compartment that, in the event of an overwound conveyance or counterbalance, shall be operated directly by the conveyance or counterbalance to initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage. 1961-62, c. 81, s. 552.

Underwind
protection
required

522. Devices shall be installed for each hoisting compartment that, in the event of an underwound conveyance or counterbalance, shall initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage, except that, in the case of shaft sinking the protection for an underwound conveyance or counterbalance may be dispensed with. 1961-62, c. 81, s. 553.

523. Devices, driven from the operating drum or drums, shall be installed, where the hoist operates at a rope speed of 750 feet per minute or greater, that, in the event of an overwound or underwound conveyance or counterbalance, will initiate an emergency stop and bring the conveyance or counterbalance to rest safely before it or its rope attachments meet any obstruction to its free passage, except that, in the case of shaft sinking the protection for an underwound conveyance or counterbalance may be dispensed with. 1961-62, c. 81, s. 554. ^{Overwind and underwind requirements for high-speed hoists}
524. Each electric hoist shall have installed a device that will initiate an emergency stop and bring the conveyance or counterbalance to rest safely should the rope speed exceed the authorized maximum by a predetermined amount. 1961-62, c. 81, s. 555. ^{Overspeed}
525. Devices, driven from the operating drum or drums, shall be installed where the hoist operates at a rope speed of 750 feet per minute or greater, that will enforce any necessary reduction in speed as the conveyance approaches the end of travel. 1961-62, c. 81, s. 556. ^{Enforced slowdown}
526. No person shall alter the adjustment of any protective device without proper authority. 1961-62, c. 81, s. 557. ^{Adjustment of protective devices}
- 527.—(1) Where ore or waste dumps, loading boxes or spill-doors are installed in a shaft or winze at points other than the upper and lower limits of normal travel of a conveyance and where any part of such dump box or door interferes with the free passage of a conveyance, there shall be installed, ^{Intermediate obstructions}
- (a) travel-limiting devices which, when necessary, shall meet the requirements of section 523;
 - (b) travel-limiting devices as required by section 523, where required;
 - (c) enforced slow-down devices as required by section 525, where applicable; and
 - (d) positive locking devices for maintaining such obstructions out of the operating position in the shaft or winze.
- (2) The manager, or his agent, of a mine employing such an intermediate obstruction shall provide a procedure to be followed to ensure the safe operation of the installation. ^{Idem}

- Idem (3) Before such an installation is made, plans and procedure shall be submitted to the chief engineer for approval. 1961-62, c. 81, s. 558.
- Protection required for hoist electrical system 528. Emergency braking action shall be initiated to bring a conveyance or counterbalance to rest safely before it or its rope attachments reach any obstruction to its free passage in the event of,
- (a) the failure of the power supply to the hoist electric system;
 - (b) an overload on the hoist-drive motors of a magnitude and duration exceeding what would be considered an operating overload; or
 - (c) a short-circuit on the hoist electric system. 1961-62, c. 81, s. 559.
- Backout 529.—(1) Every electric hoist shall have installed a device to enable a conveyance or counterbalance to be removed from an overwound or underwound position.
- Idem (2) Every such device shall be manually operable only. 1961-62, c. 81, s. 560.
- Backout switch, motor torque-break interlock (3) Every such device shall be so designed and installed that the brake or brakes holding a conveyance or counterbalance, when in an overwound or underwound position, cannot be released until sufficient drive motor torque has been developed to ensure movement of the conveyance or counterbalance in the correct direction only. *New.*
- Emergency switch 530. A manually-operable switch shall be installed for each electric hoist within reach of the manual controls that will, when operated, initiate emergency braking action to bring the conveyance or counterbalance safely to rest. 1961-62, c. 81, s. 561.
- Underwind by-pass switch 531. An underwind by-pass switch may be installed, where necessary, that will allow the conveyance to be lowered through the underwind position if it is held in the closed position by the hoistman and will return automatically to the open position when not so held. 1961-62, c. 81, s. 562.
- Load meter required 532. Each electric hoist shall have installed, within plain view of the manual controls, a meter that will indicate, at all times, the hoist motor load. 1961-62, c. 81, s. 563.

- 533.—(1) Where men are transported in skips or the skips of skip-cage assemblies, there shall be installed a device that will prevent the conveyance, carrying the men, from entering the dumping position. ^{Man-safety requirements}
- (2) Except in shaft sinking, such device shall be so installed that, when it is put into operation, a distinctive signal will be given, automatically, to men about to enter the conveyance. ^{Idem}
- (3) Such device is not required on electric hoists where men are hoisted for shaft inspection or maintenance operations only. ^{Idem}
- (4) Such device shall be put into operation, either manually or automatically, when men are transported. ^{Idem}
- (5) In those cases where the device is automatically put into operation by the hoistman's return of the 3-bell signal, the circuit shall be so arranged that the failure of the relay coils will not render the device inoperative. 1961-62, c. 81, s. 564. ^{Idem}
534. Each electric hoist shall have installed a device whereby the hoistman is warned, audibly, that a conveyance or counterbalance is about to enter the region where a reduction in speed is necessary for safe manual braking. 1961-62, c. 81, s. 565. ^{Approach warning signal}
535. Sections 536 to 544 apply to all electric hoists that may be operated automatically. 1961-62, c. 81, s. 566. ^{Automatic hoists}
- 536.—(1) Every electric hoist shall have installed, only in the same location as the manual controls, a device for the change-over from manual to automatic control. ^{Selection of manual or automatic control}
- (2) Such device shall be operated by authorized personnel only. 1961-62, c. 81, s. 567. ^{Idem}
537. Where an electric hoist is designed to be operated from control stations on the levels or from a control station on the conveyance, any device used to effect the change-over of control shall be operable only at the level at which a conveyance is stopped. 1961-62, c. 81, s. 568. ^{Level or cage control}

Operation
of level-
installed
controls

538.—(1) Devices installed on the levels for the purpose of selecting the conveyance's destination and for initiating hoist motion shall be operable only when the conveyance is stopped at that level, except where the installation has been approved for call operation.

Idem

(2) There shall be a minimum delay of five seconds between the operation of the level control device used to initiate hoist motion and the actual motion when men are being handled.

Idem

(3) The level control device used to initiate hoist motion shall be so located that it may be operated by someone in the conveyance stopped at that level.

Idem

(4) Devices installed on the levels for the purpose of initiating hoist motion shall, except for jogging, be operable only when the shaft gate at the level at which the conveyance is stopped is in the closed position. 1961-62, c. 81, s. 569.

Operation
of cage-
installed
control

539.—(1) Devices installed in a conveyance for the purpose of controlling hoist motion shall, except for jogging, be operable only when the cage door is in the closed position.

Idem

(2) Where devices are installed in a conveyance for the purpose of controlling hoist motion, one of the devices shall be capable of initiating emergency braking action to bring the conveyance safely to rest. 1961-62, c. 81, s. 570.

Friction
hoists

540. Sections 541 to 544 apply to all electric friction hoists. 1961-62, c. 81, s. 571.

Jammed
conveyance
device

541. Each electric friction hoist shall have installed a device that will initiate emergency braking action to bring the drum to rest in the event of the occurrence of slip between the hoisting rope or ropes and the hoist drum, such as might occur with a conveyance or counterbalance jammed in the shaft or caught at the end of travel. 1961-62, c. 81, s. 572.

Synchroniz-
ing device

542. Where creep or slip may alter the effective position of safety devices, a means of synchronizing the safety devices with the position of the conveyance in the shaft shall be provided. 1961-62, c. 81, s. 573.

Special
testing

543. If the district electrical-mechanical engineer deems it necessary, he may, after consultation with the manager, conduct or require to be conducted specific

tests of the efficiency of all electric overwind and underwind devices, signalling and warning devices and hoisting controls and equipment. 1961-62, c. 81, s. 574, *amended*.

- 544.—(1) The manager of a mine where an electric hoist is in use shall depute some competent person or persons whose duty it is to examine at least once in each week the hoist motor and control apparatus, electric safety devices and hoisting signalling equipment. 1961-62, c. 81, s. 575 (1), *amended*. Electrical
Hoisting
Equipment
Record
Book
- (2) The report of such examination shall be recorded as provided in subsection 3. 1961-62, c. 81, s. 575 (2). Idem
- (3) The manager shall keep or cause to be kept at the mine for each hoist a book called the Electric Hoisting Equipment Record Book in which shall be recorded a report of every such examination and a notation of any failure or accident to such equipment and the action taken regarding it, signed by the person making the examination. 1961-62, c. 81, s. 575 (3), *amended*. Idem
- (4) Such entries of the weekly examination shall be read and signed every week by the person in charge of such equipment or accessories thereto. Idem
- (5) A notation of the action taken regarding the report of any failure or accident to any part of the electrical equipment used in connection with the hoist or the signalling equipment shall be made over the signature of the person in charge of such equipment or accessories thereto. 1961-62, c. 81, s. 575 (4, 5). Idem
- (6) The Electrical Hoisting Equipment Record Book shall be made available to the district electrical-mechanical engineer at all times. 1961-62, c. 81, s. 575 (6), *amended*. Idem

UNDERGROUND INSTALLATIONS

545. The provisions of this Part that apply to surface installations apply equally to underground installations, except sections 546 to 563, which apply only to underground installations. 1961-62, c. 81, s. 576. General
- 546.—(1) Where electrical energy is taken underground, provision shall be made so that the current may be cut off on the surface. Control of
under-
ground
feeders

- Idem (2) The control device shall be accessible to authorized persons only. 1961-62, c. 81, s. 577.
- Wiring methods 547.—(1) Conductors for all circuits not over 150 volts to ground shall either be installed in standard conduits, armoured or have non-flammable jackets and be adequately supported. 1961-62, c. 81, s. 578 (1).
- Idem (2) All fixed conductors transmitting power underground at over 150 volts to ground shall be installed in standard conduits or armoured, shall be adequately supported, and any outer jacketing shall be of a non-flammable type.
- Idem (3) Open-type wiring shall not be used except in cases of emergency. 1961-62, c. 81, s. 578 (2, 3), *amended*.
- Cable test required 548. All new cables purchased for the transmission of power underground at a potential in excess of 750 volts shall be accompanied by the manufacturer's certified report of insulation tests, a copy of which shall be filed with the chief engineer. 1961-62, c. 81, s. 579.
- Cable rating 549.—(1) All cables transmitting power underground at a potential exceeding 750 volts shall have a voltage rating of 50 per cent higher than the normal operating voltage. 1961-62, c. 81, s. 580 (1).
- Idem (2) Cable of standard rating for the normal operating voltage may be used where the cable is supplied through a circuit-breaker from a circuit where the neutral point is grounded in such a manner as to,
- (a) limit ground fault current; and
- (b) limit the possible rise of ground fault potential on any connected equipment to a maximum of 100 volts,
- and where ground fault protection is provided. 1961-62, c. 81, s. 580 (2), *amended*.
- Bonding requirements 550. The armouring or casings of all cables shall be bonded together so as to be electrically continuous and shall be connected at some point or points to a satisfactory ground on surface. 1961-62, c. 81, s. 581.

551. Where the armouring or casings of cables do not provide an adequate grounding system for underground electrical equipment, a copper or other non-corrosive grounding conductor of adequate size shall be run from such equipment to a satisfactory ground on surface. 1961-62, c. 81, s. 582. Adequate grounding for equipment
552. Suitable terminating facilities shall be provided to protect cables from harm due to moisture or mechanical damage. 1961-62, c. 81, s. 583. Terminating facilities
553. Junction boxes on a cable transmitting power at a potential exceeding 300 volts shall not be located in a shaft or winze or attached to any timbers at a shaft or winze station or headframe. 1961-62, c. 81, s. 584. Location of junction boxes
554. Splices shall not be made in shaft or winze conductors unless approved by the district electrical-mechanical engineer. 1961-62, c. 81, s. 585, *amended*. Approval of splices
555. Adequate precautions shall be taken to prevent signal and telephone cables from coming into contact with other electric systems. 1961-62, c. 81, s. 586. Protection of signal and telephone cables
556. The operating voltage on signal systems shall not exceed 150 volts to ground. 1961-62, c. 81, s. 587. Maximum voltage of signal system
- 557.—(1) One conductor of the two-wire signal circuit shall be grounded where the power supply is obtained from a transformer having a primary voltage in excess of 750 volts. Grounding of signal system
- (2) The signal system may be operated with both conductors ungrounded when the supply is from a transformer having a primary voltage in excess of 750 volts, if an insulating transformer having a 1-to-1 ratio is installed between the supply and the signal system. 1961-62, c. 81, s. 588. Idem
558. Where an electrical hoisting-signal system is installed at a shaft or winze, there shall be a suitable, separate, audible signal system for the control of each hoisting conveyance operated from a single hoist and there shall be a sufficient difference in the sound of the signals to the hoistman that they are easily distinguishable and it shall be so arranged that the hoistman can return the signal to the person giving the signal. 1961-62, c. 81, s. 589. Separate signal for each conveyance

Trans-
formers,
type and
location

559. The type and location of transformers installed underground are subject to the approval of the district electrical-mechanical engineer. 1961-62, c. 81, s. 590, *amended*.

Trans-
formers and
trans-
former
rooms

- 560.—(1) All transformers over 2 kva, unless insulated with non-flammable di-electric liquids or Class B or Class C insulation, when installed underground, shall be effectively isolated from the mine workings by enclosure in rooms constructed of fire-resistive materials throughout and a door sill of not less than six inches in height shall be provided.

Idem

- (2) No material or equipment of any kind, including air lines, air ducts, water and steam lines, shall pass through or terminate within the room, other than that essential to the transformer installation for its proper operation and safety.

Idem

- (3) The covers of the ventilation openings shall be held open by thermal fuse links and shall close by gravity, and the door shall be constructed of steel or other suitable material. 1961-62, c. 81, s. 591 (1-3).

Idem

- (4) No installation of transformers containing a liquid which will burn in air shall be located within 200 feet of an explosives or blasting agents storage.

Idem

- (5) For installations of transformers containing a liquid which will not burn in air or other suitable types, separation shall be not less than 50 feet from an explosives or blasting agents storage. 1961-62, c. 81, s. 591 (4), *amended*.

Fire
prevention
under-
ground

- 561.—(1) The supports for electric motors, transformers, control and protective equipment and other electric apparatus and the compartments in which they are installed shall be of such material and constructed in such a manner as to reduce the fire hazard to a minimum.

Idem

- (2) No flammable material shall be stored or placed in the same compartment with any such equipment or apparatus. 1961-62, c. 81, s. 592.

Electric
heaters

562. Where lamps or heating units are used underground, they shall be so installed and protected as to prevent the heat generated from becoming a fire hazard. 1961-62, c. 81, s. 593.

- 563.—(1) Approved fire-extinguishing devices for use on ^{Fire-ex-}electrical fires shall be provided and maintained in ^{tinguishing} ^{devices} condition for immediate use.
- (2) They shall be conveniently mounted at or in every ^{Idem} place containing electrical apparatus having flammable insulation or parts that, once ignited, may support combustion. 1961-62, c. 81, s. 594.

ELEVATORS

- 564.—(1) In this section, ^{Interpre-}
^{tation}
- (a) “attendant” means a person who, as a whole or a part of his normal duties,
- (i) operates an elevator or incline lift, or
- (ii) supervises the loading, passage or unloading of persons on an incline lift;
- (b) “dumbwaiter” means a hoisting and lowering mechanism equipped with a conveyance which moves in guides in a substantially vertical direction, the floor area of which does not exceed 9 square feet, whose total inside height whether or not provided with fixed or removable shelves does not exceed 4 feet, the capacity of which does not exceed 500 pounds, and which is used exclusively for carrying materials;
- (c) “elevating device” means an elevator, escalator, dumbwaiter, incline lift or manlift and includes its hoistway enclosure;
- (d) “elevator” means a mechanism affixed to a building or structure equipped with a conveyance or platform that moves in guides at an angle exceeding 70 degrees from the horizontal and that is used to lift or lower persons or freight in or about the building or structure;
- (e) “escalator” means a power-driven inclined continuous stairway used for raising or lowering persons;
- (f) “freight elevator” means an elevator primarily used for carrying freight and on which only the attendant and the persons necessary for unloading and loading the freight are permitted to ride;

(g) "incline lift" means a mechanism having a power-driven rope, belt or chain, with or without handholds or seats, for lifting or lowering persons or freight on an incline of 70 degrees or less from the horizontal;

(h) "manlift" means a device consisting of a power-driven endless belt provided with steps or platforms and handholds attached to it for the transportation of persons from floor to floor;

(i) "passenger elevator" means an elevator used primarily to carry persons.

Accepted
standards

(2) Elevating devices, except those covered in subsection 3, shall be designed, installed and maintained in accordance with the edition that is current from time to time of C.S.A. Standard B44, "Safety Code for Elevators, Dumb-waiters and Escalators".

Idem

(3) Aerial tramways, incline lifts and manlifts shall be of a type approved by the chief engineer.

Where
section
does not
apply

(4) This section does not apply to,

(a) feeding machines, or belt, bucket, scoop, roller or any similar type of freight conveyor;

(b) a lifting device that is,

(i) part of a conveyor system,

(ii) mechanically loaded and unloaded, and

(iii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway;

(c) freight ramps having a means of adjusting the slope of the ramp;

(d) freight platforms having a rise of sixty inches or less;

(e) lubrication hoists or other similar mechanisms;

(f) piling or stacking machines used within one storey; or

(g) a moving walk.

(5) No person shall commence a new installation or a major alteration of an elevator, dumbwaiter, escalator, manlift or incline lift until the drawings and specifications thereof have been approved by the chief engineer. ^{New installations, etc.}

(6) The drawings and specifications shall be submitted in duplicate and shall furnish full information as to the size, composition and arrangement of the proposed installation or major alteration. ^{Drawings and specifications}

(7) Upon completion of an installation or major alteration, the elevating device shall not be put into use until it has been inspected and approved by the district electrical-mechanical engineer. ^{Inspection and approval}

(8) There shall be kept, securely fastened and conspicuously displayed, ^{Notices required}

(a) in the conveyance of each elevator, dumbwaiter or incline lift; and

(b) as close as is practicable to the bottom landing of each manlift,

a notice, in the form of a metal plate, setting forth the maximum capacity of the elevating device, stating the number of persons and the weight in pounds.

(9) Every freight elevator shall have displayed in a conspicuous place in the conveyance a notice in letters not less than one inch high: ^{Idem}

"This is not a passenger elevator. No person other than the attendant and freight handlers are permitted to ride in this conveyance".

(10) The ceiling and its supporting structure over every passageway or other occupied space under an elevating device shall be designed, constructed and maintained so as to safely support the loads that would be applied to it if the conveyance and counterweight dropped. ^{Ceilings}

(11) Where the conveyance and counterweight are both equipped with devices to stop them or arrest their descent in the event of a failure of their supports, the strength of the ceiling and its supporting structure may be reduced accordingly. ^{Idem}

- | | |
|-------------------------------------|---|
| Machine rooms | (12) There shall be provided safe and convenient access to every machine room and machinery space. |
| Idem | (13) Except where otherwise permitted by the chief engineer, such access shall be by a stairway that is not located in the hoistway. |
| Idem | (14) Every machine room and machinery space shall be enclosed or located so that unauthorized persons cannot have access to the machine room or machinery space. |
| Idem | (15) Only machinery and control equipment required for the operation of the elevating device shall be permitted in the machine room. |
| Idem | (16) Sprinklers, pipes, drains, tanks or similar equipment which might leak or cause condensation shall not be located directly above the machine or control equipment. |
| Attendants | (17) No person under the age of eighteen years shall be authorized to operate an elevator. |
| Idem | (18) Subject to subsection 19, an attendant is required for every elevator or incline lift. |
| Idem | (19) An attendant is not required on an elevator or incline lift equipped with automatic controls and emergency stopping devices that will, in the opinion of the chief engineer, ensure the safety of any person having access to or riding on the elevator or incline lift. |
| Lighting required | (20) Every landing shall be adequately lighted. |
| Test and repair | (21) No person shall remove, displace, interfere with or damage any device installed in or about an elevating device for its safe operation, except, <ul style="list-style-type: none"> (a) a district electrical-mechanical engineer making an inspection, or (b) a qualified person for the purpose of making a test or repair. |
| Restoration of service after damage | (22) Where a safety device has been removed, displaced, interfered with or damaged, the elevating device shall not be used or operated for any purpose other than testing, inspection or repair until the safety device has been restored to working order. |

- (23) The ropes, safety devices, signalling devices, doors ^{Inspection} and other electrical and mechanical equipment necessary to the safe operation of elevating devices shall be inspected by a qualified person at least once each month and the results recorded.
- (24) The records of such inspections shall be made ^{Records} available to an engineer.
- (25) Hoisting or tail ropes shall not be lengthened or ^{Ropes not to be spliced} repaired by splicing. *New.*

CONSTRUCTION, SURFACE

565.—(1) In this section and in sections 566 to 596, <sup>Interpre-
tation,
ss. 565-596</sup>

- (a) “allowable unit stress” means the allowable unit stress assigned to the material by the issue that is current from time to time of the National Building Code of Canada or similar recognized authority, or in the absence of a recognized authority, by a professional engineer, based on good engineering practice;
- (b) “boom of a crane” means the projecting part of a crane from which the load is supported;
- (c) “constructor” means a person who contracts with the owner or agent of a project for the work thereon, and includes an owner or agent who,
- (i) contracts with more than one person for the work on a project, or
 - (ii) undertakes the work on a project or any part thereof;
- (d) “excavation” means an excavation on a project, and includes a trench, other than a trench excavated for prospecting purposes;
- (e) “extension trestle ladder” means a self-supporting combination of a trestle ladder and a vertically-adjustable single ladder, with a suitable means for locking the ladders together;
- (f) “falsework” means the structural supports and bracing for forms;

- (g) "form" or "formwork" means the mould into which concrete is placed;
- (h) "framed structure" means a structure designed to act as a unit composed of members so connected to one another that a load applied to any member of it may alter the stresses induced in the other members, and includes a truss, a tubular metal frame and a column where the effective length is dependent upon the provision of lateral restraints between the ends of the column;
- (i) "ladder-jack" means a device attached to a ladder used for supporting a scaffold;
- (j) "life jacket" means a life jacket bearing a Department of Transport, Canada Approval Number for a body weight more than 90 lb.;
- (k) "life-net" means a net of adequate strength so placed and supported as to safely catch a person who might fall into it;
- (l) "means of egress" means a passageway, ramp, runway, stairway or ladder leading to an exit from a building, structure or excavation;
- (m) "outrigger scaffold" means a scaffold that is supported by rigid members cantilevered out from the structure to which they are anchored;
- (n) "project" means,
 - (i) a building or other structure that is being constructed, altered, repaired, demolished or moved, or
 - (ii) a roadway that is being built, altered, repaired, demolished or moved;
- (o) "recommended load" means the load established for a scaffold for the particular method of loading by a professional engineer based on the test loading of a tubular metal frame and its accessories and which shall not exceed one third of the failure load when the frame is tested by loading axially through the corner posts;

- (p) “stable slope” means the slope at which the wall of an excavation in soil will safely remain in place without extra support, during the time period when the walls of the excavation will be unsupported;
- (q) “subcontractor” means a person who contracts with a constructor for the work on part of a project and includes a person who contracts with a subcontractor for work on a part of the project;
- (r) “supplier” means an owner of any machine, vehicle, tool or other equipment who provides under any rental, leasing or other arrangement, such equipment for use by a person on a project;
- (s) “trestle ladder” means a self-supporting portable ladder, non-adjustable in length, consisting of two sections hinged at the top to form equal angles with the base.
- (2) Except where a contrary intent is provided, this section and sections 566 to 596 apply only to construction operations on the surface of a mining premises or at a plant. *New.* Application of ss. 565-596
- 566.—(1) The responsibilities of contractors and subcontractors on a project in connection with the requirements of this section and sections 566 to 573 are as prescribed in subsection 12 of section 169. Responsibility of contractors and subcontractors
- (2) No supplier shall provide any machine, vehicle, tool or equipment, or any part thereof, for use by a person on a project under any rental, leasing or other arrangement if such machine, vehicle, tool, equipment or part is in an unsafe condition. Machines to be in safe condition
- (3) Every constructor and every subcontractor shall appoint one or more competent persons to exercise direction and control over persons employed by him on each shift, and one such person may be himself. *New.* Shift bosses
567. Where one or more persons may be endangered by passing vehicular traffic on a road on a project, one or more of the following safeguards located at a Traffic control

suitable distance from the employees shall be provided as appropriate to give them adequate protection:

1. One or more flagmen.
2. Warning signs.
3. Barriers.
4. Lane control devices.
5. Flashing lights or flares. *New.*

Applica-
tion, alter-
native
methods
and
materials

568.—(1) In applying the requirements of sections 566 to 596,

- (a) the composition of an object; and
- (b) the size and arrangement of material of an object may vary from that prescribed, but only to the extent that the strength of the object and the safety of its use by persons is equal to or greater than the strength and safety as prescribed and where any conflict arises in the application of these sections as to whether the variation and composition of material of the object or the size and arrangement of material of the object is equal to that prescribed, an engineer's opinion prevails.

Idem

- (2) In applying subsection 1, the written opinion of the chief engineer takes precedence. *New.*

GENERAL

Capacity
to support
loads

569.—(1) During the construction, alteration, repair, dismantling, demolition or moving of a building or other structure, all parts thereof shall be,

- (a) capable of safely supporting the loads to which they may be subjected; or
- (b) adequately braced, either permanently or temporarily, to safely support the loads to which they may be subjected.

Lighting

- (2) All areas in which persons are present, and the means of access to and egress from such areas, shall be adequately lighted.

- (3) Every opening in a floor or other surface used by persons shall, ^{Protection of floor openings}
- (a) be protected by a guardrail; or
 - (b) be covered with securely fastened planks or other material capable of supporting any load likely to be imposed thereon.
- (4) During construction of a building, temporary or ^{Flooring} permanent flooring shall,
- (a) be installed progressively so that the flooring will be provided prior to a person being required to work in a position exceeding two storeys above such flooring or three storeys where the vertical distance between column splices exceeds two storeys;
 - (b) where used as a working surface, extend over the whole area except for necessary openings which shall be protected by a guardrail;
 - (c) consist of material providing strength sufficient to support any load likely to be applied and at least equal to sound No. 1 Construction Grade Eastern Spruce planking two inches thick and ten inches wide with a span of ten feet;
 - (d) be securely fastened to and supported on girders, beams or other structural members capable of safely supporting the applied loads; and
 - (e) not be required where the work is being done from a scaffold.
- (5) Overhead protection, at least equal to sound No. 1 Construction Grade Eastern Spruce planking two inches thick and ten inches wide with a maximum span of ten feet shall be provided, ^{Overhead protection}
- (a) at every means of access to and egress from a building or other structure during construction or demolition where there is danger of material falling on a person;
 - (b) above a scaffold, where there is danger of material falling on a person on the scaffold; and

Danger
signs

- (c) above an area where a person is required to be directly below other work being done, and there is danger of material falling on the lower person.
- (6) A sufficient number of signs bearing the word "DANGER" in clearly distinguishable lettering shall be posted,
 - (a) where a covering prescribed by subsection 3 has been temporarily removed while work is being done which cannot be done with the covering installed;
 - (b) where the installation of a guardrail is prescribed by the requirements of section 586, and the guardrail has temporarily been removed while work is being done which cannot be done with the guardrail installed;
 - (c) adjacent to a hoisting area;
 - (d) under a suspended scaffold; and
 - (e) at the outlet end of a chute. *New.*

Damaged
structures

- 570.—(1) Where a structure has suffered damage likely to endanger the safety of a person by collapse of all or part of it, the structure shall be braced and shored or other measures taken to prevent injury to a person until the structure is demolished, dismantled, or repaired.

Idem

- (2) The bracing and shoring prescribed in subsection 1 shall be installed progressively so as to provide for the safety of persons installing the bracing and shoring. *New.*

Access and
egress from
work areas

- 571.—(1) Means of access to and egress from every excavation, floor, roof, platform and scaffold, other than a suspended scaffold, where work is being performed, shall,

- (a) be by a stair, runway, ramp or ladder; and
- (b) be maintained in a safe condition at all times.

Idem

- (2) Every means of access and egress prescribed by subsection 1 and every scaffold from which work is being performed shall,
- (a) be kept clear of obstructions;

- (b) be kept clear of ice, snow or other slippery materials; and
 - (c) when necessary to ensure firm footing, be sprinkled with sand or other suitable abrasive material.
- (3) When work on a building or other structure in which stairs are intended to be part of the permanent building or structure has progressed to two storeys or thirty feet above the lowest floor level, whichever is the lesser, the means of egress shall be by permanent or temporary stairs that shall, ^{Where stairs planned}
- (a) be provided for the entire height from the lowest floor level to the uppermost working level, except where the stairs would interfere with work on the uppermost working level, in which case stairs shall be provided to within two storeys or thirty feet vertically, whichever is the lesser, of the uppermost working level; and
 - (b) be continued as the height of the project is increased.
- (4) When work on a building or other structure intended to be 100 feet or more in height, and in which stairs are not intended to be part of the permanent building or structure, is in progress, the means of egress shall be by temporary stairs that shall, ^{Where stairs not planned}
- (a) be provided for the entire height from the ground to the uppermost working level, except where the stairs would interfere with work on the uppermost working level, in which case stairs shall be provided to within two storeys or thirty feet vertically, whichever is the lesser, of the uppermost working level; and
 - (b) be continued as the height of the project is increased.
- (5) Subsections 3 and 4 do not apply to the means of egress from a skeleton structure. ^{Exception to subss. 3, 4}
- (6) Subsection 4 does not apply to a structure, including a chimney stack or pressure vessel, which has a permanent ladder attached to it as part of the ^{Idem, subss. 4}

completed structure and the combined structure and ladder are fabricated before being raised into position as a unit. *New.*

Personal
protective
clothing,
equipment
and devices

- 572.—(1) No person shall be in an area where he might be exposed to injury from a noxious gas, liquid, fume or dust, or due to lack of oxygen unless he is suitably protected against the particular type of hazard.

Apparel

- (2) Where the injury exposure referred to in subsection 1 is from skin contact with a noxious gas, liquid, fume or dust, the protection provided shall be,

(a) protective apparel; or

(b) protective skin cream suitable for the particular type of hazard.

Respirators

- (3) Where the injury exposure referred to in subsection 1 is from inhalation of a noxious gas, fume or dust, or due to lack of oxygen, the protection provided shall be,

(a) adequate mechanical ventilation; or

(b) the wearing of respiratory equipment suitable for the particular type of hazard.

Safety belts

- (4) A safety belt shall be used by a person on a structure where he is exposed to the danger of falling, and the nearest surface to which he might fall is more than ten feet below the place where he is working.

Idem

- (5) The safety belt prescribed in subsection 4 shall be arranged so that if the person should fall he will be suspended at a distance of not more than five feet below the place where he was working.

Exceptions
to subss. 4, 5

- (6) Subsections 4 and 5 do not apply,

(a) to a person using a means of access or egress;

(b) where a life-net is installed to provide equal protection; or

(c) to a person who is an erector engaged in connecting structural members of a skeleton structure or in gaining access thereto.

Life jackets

- (7) Where a person may fall into water at a project with the risk of drowning, he shall wear a life jacket.

- (8) Subsection 7 does not apply to shallow water in which a life jacket cannot function properly. ^{Exception to subs. 7}
- (9) In addition to the life jacket prescribed in subsection 7, rescue equipment shall be provided in a suitable location near the project and, where practicable, shall consist of, ^{Rescue equipment}
- (a) a boat in operating condition, equipped with,
 - (i) a ring buoy attached to fifty feet of three-eighths of an inch manila rope,
 - (ii) a boat hook, and
 - (iii) two or more life jackets to provide one for each of the persons needed to properly operate the boat; and
 - (b) where there is a current in the water, a line across the water to which there are attached floating objects capable of providing support for a person in the water.
- (10) In locations where the water is extremely rough or swift or where a manually operated boat is not practical, the boat prescribed in subsection 9 shall be a power boat suitable for the waters involved. ^{Idem}
- (11) Where this section applies, ^{Additional requirements}
- (a) two or more persons shall be designated and shall be immediately available to perform any necessary rescue operations;
 - (b) a suitable alarm system shall be provided; and
 - (c) the designated persons shall immediately commence rescue operations when the alarm is given. *New.*

PROJECT EXCAVATIONS

- 573.—(1) No excavation or trench shall be commenced until all gas, electrical and other services that are likely to endanger the safety of persons have been properly shut off and disconnected. ^{Services to be shut off}
- (2) No excavation shall be made that may endanger the persons on a project or the stability of an adjacent building or structure. ^{Stability of adjacent buildings}

Walls to be
supported

- (3) The walls of an excavation shall be adequately supported by shoring and bracing, and where the excavation is a trench as defined in section 574, the requirements for shoring and bracing as defined therein apply.

Exceptions
to subs. 3

- (4) Subsection 3 does not apply to the walls of an excavation,
- (a) less than four feet deep;
 - (b) into which persons are not required to enter for any purpose;
 - (c) cut in solid rock;
 - (d) which have been cut and trimmed to a slope having not more than one foot of vertical rise to each foot of horizontal run;
 - (e) which have been cut and trimmed to a slope steeper than that prescribed by clause *d*, and a professional engineer has certified in writing that the steeper slope is a stable slope which will not endanger persons; or
 - (f) in which persons are not required to be within a horizontal distance of the walls equal to the height of the walls.

Walls to be
scaled

- (5) The walls of an excavation shall be stripped of loose rock or other material which might slide, roll or fall upon persons below.

Flat area
at top of
walls

- (6) A clear and reasonably level area extending at least two feet back shall be maintained free of all materials at the top of the walls of an excavation.

Vehicles
and
machinery

- (7) No vehicle or other machinery shall be driven or operated or located so close to the edge of an excavation as to affect the stability of the walls of the excavation by vibration or otherwise and endanger the safety of any person.

Barriers

- (8) The top of the walls of an excavation shall be protected by an adequate barrier at least forty-two inches high if,
- (a) the depth of the excavation exceeds ten feet; and

- (b) the safety of a person can be endangered by falling into the excavation.
- (9) When a person is employed adjacent to or near an excavation which is not required to be protected by a barricade as prescribed by subsection 8, warning lights shall be provided and properly maintained from one-half hour before sunset until one-half hour after sunrise and at such other times as there is equally restricted visibility. ^{Warning lights}
- (10) Every excavation shall be kept reasonably free of water at all times. *New.* ^{Water}
- 574.—(1) In this section and in section 575, “trench” means any excavation in the ground where the vertical dimension from the highest point of the excavation to a point level with the lowest point of the excavation exceeds the least horizontal dimension of the excavation, such dimensions being taken in a vertical plane at right angles to the longitudinal centre line of the excavation. ^{Interpretation}
- (2) The requirements of this section for shoring and bracing the walls of a trench do not apply, ^{Shoring and bracing trenches, exceptions}
- (a) to a trench less than four feet deep;
 - (b) to a trench into which persons are not required to enter for any purpose;
 - (c) to a trench cut in solid rock;
 - (d) to a trench where the work therein is done only by the owner thereof in person; or
 - (e) to a part of a trench excavated for a pipeline or conduit if the trench is mechanically excavated, if the sections of the line or conduit are permanently assembled before being mechanically placed in the trench, and if the trench is mechanically back-filled.
- (3) The sides of all trenches exceeding four feet in depth shall be securely shored and timbered with good quality material in accordance with these requirements and the shoring and timbering shall extend at least one foot above the top of the trench, except that where the district mining engineer gives permission in writing to the person in charge of the ^{Shoring and timbering}

work in connection with the trench, the shoring and timbering need not extend above the top of the trench.

Application

- (4) Subsection 3 does not apply where the trench is cut in solid rock or where the trench is excavated in hard and solid soil and does not exceed six feet in depth or where the sides of the trench are sloped to within four feet of the bottom of the trench so that the sloped sides of the trench do not have more than one foot of vertical rise to each foot of horizontal run.

Trench with sloping sides

- (5) Where the sides of a trench are sloped as described in subsection 4 but not to within four feet of the bottom of the trench, the vertical walls of the trench shall be shored and timbered with good quality material in accordance with these requirements and the shoring and timbering shall extend at least one foot above the vertical walls and be fitted with toe-boards to prevent material rolling down the slope and falling into the part of the trench with vertical walls.

Drawings for shoring and timbering

- (6) Drawings and specifications for the shoring and timbering of all trenches to exceed thirty feet in depth and all trenches to exceed twelve feet in width shall be submitted in duplicate to the district mining engineer and the trench shall not be commenced until the drawings and specifications have been approved by the engineer and the shoring and timbering shall conform to such approved plans.

When shoring and timbering to be done

- (7) Shoring and timbering shall be carried along with the excavating of a trench but when conditions permit may be done before the excavating commences.

Removal of shoring

- (8) Where the shoring and timbering is to be removed on completion of the other work in a trench, such removal shall be done by or under the personal supervision of a person experienced in removing shoring and timbering.

Ladders to be provided

- (9) Ladders or other means of escape satisfactory to the district mining engineer shall be provided in every trench and such ladders or other means of escape shall be spaced at intervals of not more than fifty feet in each trench and shall extend above the top of the trench.

- (10) Where staging or scaffolding for handling by hand ^{Staging and scaffolding} in relays materials excavated from the trench is erected independently of the shoring or timbering on the sides of the trench, it shall be structurally adequate to protect persons working thereon or in the trench from collapse of the staging or scaffolding or from falling objects.

- (11) Where the staging or scaffolding is attached to the ^{Idem} shoring and timbering on the sides of the trench, the shoring and timbering shall be sufficiently reinforced to withstand the additional load thereby imposed on the shoring and timbering. *New.*

575.—(1) In this section, ^{Interpretation}

(a) “cleat” means a short member of shoring and timbering that directly resists the downward movement of a strut or wale;

(c) “sheathing” means the vertical members of shoring and timbering that directly resist pressure from the side of a trench;

(d) “strut” means a transverse member of shoring and timbering that directly resists pressure from sheathing or wales;

(e) “wale” means a longitudinal member of shoring and timbering that directly resists pressure from sheathing.

(2) In all methods of shoring and timbering of a trench, ^{Methods of shoring and timbering trenches}

(a) the sheathing shall be placed against the side of the trench so that the length of each piece of sheathing is vertical;

(b) the struts shall be horizontal and at right angles to the wales or sheathing supported thereby; and

(c) the wales shall be parallel to the bottom or the proposed bottom of the trench.

(3) The sheathing shall be held securely in place against ^{Sheathing} the wales or, where wales are not used, the struts by pressure being firmly exerted on the side of the sheathing adjacent to the wall of the trench.

Idem

(4) Where the trench is excavated in,

- (a) loose, sandy or soft soil;
- (b) soil that has been previously excavated; or
- (c) soil under hydrostatic pressure,

each piece of sheathing shall be driven into the bottom of the trench so as to be firmly held in place.

Struts

(5) Each strut shall be,

(a) cut to the proper length required to fit it tightly between,

(i) the wales, or

(ii) where wales are not used, the sheathing,

supported by the strut; and

(b) where necessary, held securely in place by wedges driven between the strut and,

(i) the wales, or

(ii) where wales are not used, the sheathing,

supported by the strut.

Idem

(6) Each strut shall,

(a) have,

(i) cleats that extend over the wales supported by the strut, or

(ii) other similar devices,

attached securely to the strut by spikes or bolts; or

(b) be placed on,

(i) cleats spiked or bolted to posts supporting wales, or

(ii) where wales are not used, cleats or other similar devices spiked to the sheathing.

- (7) Each wale shall be supported, Wales
- (a) on cleats spiked to the sheathing; or
 - (b) by posts set on,
 - (i) the wale next below it, or
 - (ii) in the case of the lowest wale, the bottom of the trench.
- (8) The composition of materials used for shoring and Composition of materials timbering shall be,
- (a) structural Eastern Spruce; or
 - (b) any other structural material having strength equal to or greater than that prescribed in clause *a*.
- (9) Each member used for shoring and timbering shall Members be a solid piece of material.
- (10) Where wales are used in the shoring and timbering Wales in trenching of a trench, the smaller dimension of the wales shall be placed against the sheathing.
- (11) The composition of materials used for shoring and Composition of materials timbering may vary from that prescribed in clause *a* of subsection 8, and the size, composition and arrangement of materials used for shoring and timbering may vary from that prescribed in subsection 16, but only to the extent that the strength of the shoring and timbering is equal to, or greater than, the strength of the shoring and timbering prescribed in subsection 16.
- (12) Where two or more pieces of sheathing are used one Arrange-ment of sheathing above another in the shoring and timbering of a trench, the sheathing shall be arranged so that the lower pieces of sheathing,
- (a) overlap the lowest wales supporting the pieces of sheathing next above it; and
 - (b) are firmly driven into the soil and securely supported by wales and struts as the trench is made deeper.

Trench-jacks
and
trench-braces

- (13) Subject to subsection 14, in the shoring and timbering of a trench, a trench-jack or trench-brace may be used in place of a strut prescribed by this requirement, but only if the strength of the trench-jack or trench-brace is equal to, or greater than, the strength of the strut.

Idem

- (14) Where the trench is over four feet in width, a trench-jack or trench-brace that contains a metal pipe-spacer shall not be used.

Wedges

- (15) Where a wedge is used in the shoring and timbering of a trench, the thick end of the wedge shall be at least two inches wide.

Where
shoring and
timbering is
structural
Eastern
Spruce

- (16) Where the material used for shoring and timbering is that prescribed by clause *a* of subsection 8, the size and arrangement of materials used for shoring and timbering shall be as prescribed in,

(a) table 1 for hard and solid soil;

(b) table 2 for soil that may crack or crumble;

(c) table 3 for loose, sandy or soft soil, or soil that has been previously excavated; or

(d) table 4 for soil under hydrostatic pressure,

for depths of trenches shown in column 1 of the tables and shall have,

(e) the pieces of sheathing,

(i) with a thickness and width not less than that prescribed in column 2, and

(ii) arranged so that the horizontal spacing from the centre of one piece of sheathing to the centre of the next piece of sheathing on the same side of the trench is not greater than the spacing prescribed in column 3;

(f) the wales,

(i) with a thickness and width not less than that prescribed in column 4, and

- (ii) arranged so that the vertical spacing from the centre of one wale to the centre of the next wale is not greater than the spacing prescribed in column 5; and

(g) the struts,

- (i) with a thickness and width not less than that prescribed in column 6, where the trench is six feet or less in width, or with a thickness and width not less than that prescribed in column 7, where the trench is twelve feet or less in width but greater than six feet in width,
- (ii) arranged so that the vertical spacing from the centre of one strut to the centre of the next strut is not greater than the spacing prescribed in column 8, and
- (iii) arranged so that the horizontal spacing from the centre of one strut to the centre of the next strut is not greater than the spacing prescribed in column 9.

TABLE 1
(For hard and solid soil)

ITEM No.	DEPTH OF TRENCH	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Feet	Inches	Feet	Inches	Feet	Inches	Inches	Feet	Feet
1	Over 6 but not over 10	2 x 8	6	4 x 4	4 x 6	4	9
2	Over 10 but not over 15	2 x 8	4½	6 x 6	4	4 x 6	6 x 6	4	9
3	Over 15 but not over 20	2 x 8	3	8 x 8	4	6 x 6	6 x 6	4	9
4	Over 20 but not over 25	2 x 6	Width of member	10 x 10	4	6 x 8	8 x 8	4	9
5	Over 25 but not over 30	3 x 8	Width of member	8 x 12	4	8 x 8	8 x 10	4	9

TABLE 2
(For soil that may crack or crumble)

ITEM No.	DEPTH OF TRENCH	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Column 1								
	Feet	Inches	Feet	Inches	Feet	Inches	Inches	Feet	Feet
1	Over 4 but not over 7	2 x 8	4½	4 x 6	4	4 x 4	4	9
2	Over 7 but not over 10	2 x 8	3	6 x 6	4	4 x 4	6 x 6	4	9
3	Over 10 but not over 15	2 x 8	1	6 x 8	4	4 x 6	6 x 6	4	9
4	Over 15 but not over 20	2 x 6	Width of member	8 x 10	4	6 x 6	8 x 8	4	9
5	Over 20 but not over 25	2 x 6	Width of member	10 x 10	4	6 x 8	8 x 8	4	9
6	Over 25 but not over 30	3 x 8	Width of member	8 x 12	4	8 x 8	8 x 10	4	9

TABLE 3
(For loose, sandy or soft soil or soil that has been previously excavated)

ITEM No.	DEPTH OF TRENCH	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Column 1								
	Feet	Inches	Feet	Inches	Feet	Inches	Inches	Feet	Feet
1	Over 4 but not over 7	2 x 8	1½	4 x 6	4	4 x 4	4 x 6	4	9
2	Over 7 but not over 10	2 x 6	Width of member	6 x 8	3	4 x 6	6 x 6	3	9
3	Over 10 but not over 15	2 x 6	Width of member	8 x 8	4	6 x 6	6 x 6	4	9
4	Over 15 but not over 20	2 x 6	Width of member	8 x 10	4	6 x 6	6 x 8	4	9
5	Over 20 but not over 25	3 x 8	Width of member	8 x 10	4	6 x 8	8 x 8	4	9
6	Over 25 but not over 30	3 x 8	Width of member	10 x 10	4	8 x 8	8 x 8	4	9

TABLE 4
(For soil under hydrostatic pressure)

ITEM No.	DEPTH OF TRENCH	SHEATHING		WALES		STRUTS			
		Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	Column 1								
	Feet								
1	Over 4 but not over 7	Inches 2 x 6	Feet Width of member	Inches 6 x 8	Feet 4	Inches 4 x 4	Inches 6 x 6	Feet 4	Feet 9
2	Over 7 but not over 10	2 x 6	Width of member	6 x 10	3	4 x 6	6 x 6	3	9
3	Over 10 but not over 15	3 x 8	Width of member	10 x 10	3½	6 x 6	6 x 6	3½	9
4	Over 15 but not over 20	3 x 8	Width of member	10 x 12	3½	8 x 8	8 x 8	3½	9
5	Over 20 but not over 25	4 x 8	Width of member	10 x 14	3	8 x 8	8 x 10	3	9
6	Over 25 but not over 30	4 x 8	Width of member	14 x 14	3	8 x 10	10 x 10	3	9

New.

HOUSEKEEPING

- Tools 576.—(1) No tool or other object shall be placed where it may endanger a person.
- Formwork ties (2) Formwork ties protruding from concrete shall be removed or cut off at the surface of the concrete as soon as is practicable after removal of the formwork.
- Protruding nails (3) Protruding nails in lumber or scrap material shall be removed or bent so as not to be a source of danger to persons.
- Debris (4) Waste material and debris on a project shall be removed to a suitable disposal area as often as necessary to prevent a hazardous condition, but not less frequently than daily.
- Rubbish (5) Rubbish, debris and other materials shall,
 - (a) not be permitted to fall freely from one level to another; and
 - (b) be lowered by a chute or in a suitable container.
- Idem (6) Large objects of rubbish, debris or other similar material shall be lowered by crane, hoist or other suitable means.
- Idem (7) Subsections 5 and 6 do not apply to a demolition project where material falls or is dropped into a designated area which is adequately enclosed and to which persons do not have access.
- Chutes (8) Every chute shall,
 - (a) be well constructed and rigidly fastened;
 - (b) if at more than 45 degrees to the horizontal, be enclosed on four sides;
 - (c) where of the open type, be inclined at an angle of 45 degrees or less to the horizontal; and
 - (d) have a strong gate at the bottom end where necessary to control the flow of material from the chute.

(9) The entrance to a chute shall,

Idem

- (a) be so constructed as to prevent hazardous overspill when rubbish, debris or other materials are being deposited into the chute;
- (b) have 4-inch by 4-inch or larger curb or cleat where the entrance is at or below the floor level;
- (c) be not more than four feet high; and
- (d) be kept closed when not in use. *New.*

STORAGE OF MATERIALS

577.—(1) Material to be used on or removed from a project, ^{Handling of materials}

- (a) shall be stored in an orderly manner and so as not to endanger the safety of persons;
 - (b) when being moved or transported on the project, shall be moved only in such a manner that the material cannot endanger the safety of persons; and
 - (c) when it is to be off-loaded from a vehicle or stockpile, shall not have any blocking or binder that is required to maintain the material in a safe position removed until the removal of the blocking or binder will not allow the material to shift and endanger the safety of persons.
- (2) Building materials or equipment shall not be placed ^{Storage of materials} or stored on a permanent or temporary structure so as to exceed the safe loadings of the structure or any part thereof.
- (3) No building material shall be stored, stacked or ^{*Idem*} piled within six feet of,
- (a) a floor or roof opening;
 - (b) the open edge of a floor, roof or balcony; or
 - (c) an excavation.

Masonry
units

- (4) Subsection 3 does not apply to small masonry units, including bricks and blocks, which can be handled by one person and the material is,

(a) to be used at the edge of,

(i) a floor,

(ii) a roof,

(iii) an opening in a floor, or

(iv) an opening in a roof; and

(b) the height of the pile is less than the distance of the pile from the edge described in clause *a*.

Storage of
lumber,
steel, etc.

- (5) Lumber, structural steel and similar materials shall be stored so that the pile is secure against collapsing or tipping.

Idem,
lumber

- (6) A pile of lumber more than four feet high shall have cross pieces to provide stability.

Masonry
units when
stacked

- (7) Masonry units shall be stacked,

(a) on level wooden planks, a platform or other level base;

(b) in tiers throughout a pile;

(c) so that a vertical face of a pile is not over seven feet in height;

(d) when the pile is more than seven feet in height, by progressively stepping the pile back from the vertical faces;

(e) when the pile is more than seven feet in height, with wood strips between tiers to provide stability; and

(f) with header units in the pile where necessary to provide stability.

Bagged
material

- (8) Bagged material shall be,

(a) piled with cross-piles on the exterior of the pile to prevent movement of the bags;

- (b) piled not more than ten bags high at a vertical face of a pile, except where the pile is in a storage bin or enclosure and the face of the pile is supported by the walls of the storage bin or enclosure; and
 - (c) removed from a pile so that the top of the pile is kept approximately level.
- (9) Pipe and reinforcing steel shall be stacked in substantially supported and braced racks or frames unless some other provision is made to prevent their movement. ^{Pipe and steel}
- (10) No flammable liquid in excess of one day's supply in safe containers shall be stored in a building or structure except in a room with sufficient window area to provide explosion relief to the outside and which is separated from the means of egress from the building or structure. ^{Flammable liquids}
- (11) A container for a combustible (other than a fuel), corrosive or toxic substance shall, ^{Containers}
- (a) be suitable for the particular substance; and
 - (b) be clearly labeled to identify,
 - (i) the substance,
 - (ii) the hazard involved in the use of the substance, and
 - (iii) the safeguards and protective measures to be taken by persons before, during and after using the substance.
- (12) A container for a fuel shall be identified as to content. ^{Fuel containers}
New.

SANITATION

- 578.—(1) An adequate supply of potable water shall be kept readily accessible for persons. ^{Drinking water}
- (2) The potable water shall be supplied from a piping system or from a clean, covered container having a drain faucet. ^{Idem}
- (3) No person shall be required to, or shall, use a dipper or drinking cup in common with another person. ^{Drinking cups}

Toilet
facilities

- (4) Adequate flush toilets, chemical toilets or privies shall be provided or made available for the use of persons from the start of the project,
- (a) within reasonably easy access of their place of work; and
 - (b) so that there is at least one toilet or privy for every thirty or fewer persons on the project at any one time.

Idem

- (5) Every flush toilet, chemical toilet or privy shall,
- (a) be constructed so that any user is sheltered from view and protected from the weather and from falling objects;
 - (b) have natural or artificial illumination;
 - (c) be provided with adequate supplies of toilet paper and disinfectant;
 - (d) be maintained in a clean and sanitary condition;
 - (e) be equipped with a toilet seat and cover; and
 - (f) if portable, be equipped with a urinal trough in addition to the toilet or privy.

Washing
facilities

- (6) Washing facilities with adequate clean water, soap and individual towels or other drying equipment shall be provided for persons who use or handle corrosive, poisonous or other substances likely to endanger their safety. *New.*

FIRE PROTECTION

Fire
extinguishers

- 579.—(1) Fire extinguishing equipment shall be provided where risk of fire exists that is,
- (a) suitable as to type and size for combatting the likely fire;
 - (b) protected from mechanical injury;
 - (c) located for easy access at suitably marked stations;
 - (d) maintained in good operating condition, and
 - (e) protected from freezing.

(2) Where a permanent standpipe is to be installed in a ^{Standpipes} building, it shall,

- (a) be installed progressively, so far as is practicable, as the building construction proceeds;
- (b) be provided with a valve at each hose outlet;
- (c) have a 1½-inch diameter hose, with a combination straight stream and fog nozzle, connected to the valve at each hose outlet and shall be installed in all storeys in such locations that each portion of the building is protected by means of hose not over seventy-five feet in length;
- (d) where applicable, have a suitable connection for the municipal fire department located on the street side not more than three feet and not less than one foot above grade and clear and easy access to the connection shall be maintained at all times; and
- (e) be provided with adequate water pressure.

(3) A fire extinguisher shall,

^{Fire}
extinguishers

- (a) be recharged immediately after use and returned to its designated position;
- (b) be inspected at least monthly and the date of the last inspection recorded on it; and
- (c) not contain carbon tetrachloride, methyl bromide or other toxic vapourizing liquids.

(4) At least one water-type fire extinguisher of a stored ^{Water-type} pressure, cartridge operated or pump tank type, ^{fire} ^{extinguishers} having a capacity of two Imperial gallons, shall be provided,

- (a) in every workshop;
- (b) in every storage building for combustible materials;
- (c) in places where welding or flame-cutting operations are carried on, while the operations are being carried on and for a reasonable time after their conclusion; and

- (d) on each storey having a floor space of 5,000 sq. ft. or less in an enclosed building being constructed or altered, and an additional fire extinguisher for each additional 5,000 sq. ft. of floor space in the storey or any fraction thereof.

Exception
as to
clause d

- (5) Clause d of subsection 4 does not apply to a single storey building without a basement or cellar.

Dry
chemical
fire
extinguishers

- (6) One or more dry chemical fire extinguishers, the contents of which are discharged under pressure and with a capacity of at least four pounds or other equally effective extinguishers shall be provided,

(a) where flammable liquids are stored or handled;

(b) where oil-fired or gas-fired equipment is used; and

(c) where a tar or asphalt kettle is used. *New.*

ELECTRICAL, WELDING, AND HAULAGE REQUIREMENTS DURING CONSTRUCTION

Electrical
equipment

- 580.—(1) Electrical equipment and wiring methods used during the construction period shall comply with the electrical requirements of this Part.

Welding
and
burning

- (2) Where welding and burning is done during the construction period, the requirements of section 248 apply.

Haulage

- (3) Where haulage equipment is used during the construction period, the requirements of sections 238 to 240 apply. *New.*

TEMPORARY HEAT

Fuel-fired
heating
devices

- 581.—(1) A fuel-fire heating device shall,

(a) be so located, protected and used that it will not risk the ignition of,

(i) a tarpaulin or similar temporary enclosure, or

(ii) adjacent wood or other combustible materials;

- (b) be used only in a confined or enclosed space where there is provided,
 - (i) an adequate supply of air for combustion, and
 - (ii) adequate general ventilation of the space;
- (c) be located so as to be protected from damage or overturning;
- (d) not be located in or adjacent to a means of egress; and
- (e) when used to burn a solid fuel, be connected by a securely supported sheet metal pipe to discharge properly the products of combustion outdoors.

(2) Fuel supply lines shall be protected from damage. Fuel supply lines

(3) Temporary steam piping shall be, Temporary steam piping

- (a) installed properly and supported securely; and
- (b) insulated or protected by screens or guards where persons may accidentally come into contact with the piping. *New.*

CONSTRUCTION EQUIPMENT

582.—(1) Vehicles, machinery, tools and equipment used Vehicles, machinery, tools, etc.
on a project,

- (a) shall be in such condition that when used they will not endanger persons;
- (b) shall not be used while being repaired or serviced;
- (c) shall, when operated by motive power, have been inspected by an authorized person at least once in the twenty-four hours prior to their use;
- (d) shall, when applicable, have a safe means of access to the operator's station; and
- (e) shall have at least the same factor of safety as the original design for all modifications, extensions, replacement parts or repairs.

Operators of
motorized
vehicles

- (2) No person shall operate a motorized vehicle unless he is authorized to do so.

Exception

- (3) Subsection 2 does not apply to a person,
- (a) who is under instruction in the operation of the vehicle; and
 - (b) who is accompanied by a person who is authorized to operate a motorized vehicle.

Moving
supports

- (4) No person shall be on a moving support, including a platform, bucket, basket, load, hook or sling, supported by,
- (a) the boom of a crane or other similar hoisting machine; or
 - (b) a fork-lift truck, front-end loader or other similar machine.

Exception

- (5) Subsection 4 does not apply to,
- (a) a bucket or basket attached to a hydraulic-powered machine on which the operating controls are on the bucket or basket and the machine is equipped with a fail-safe device which automatically locks the support in position; and
 - (b) the platform of an approved device for hoisting persons.

Hoisting
hooks

- (6) All hoisting hooks shall be equipped with a safety catch.

Exception

- (7) Subsection 6 does not apply to hoisting hooks while being used in the placing of structural members when the method of placing is such that persons are as safe as if a safety catch were installed.

Friction-
type
clamps

- (8) Friction-type clamps used in hoisting materials shall be so constructed that the accidental slackening of the hoisting cable does not release the clamp.

Balloons,
etc.

- (9) Where hoisting is done by a device in which the weight of the load is not transferred to ground support at all times, such as by a balloon or helicopter, written permission shall be obtained from an engineer prior to hoisting.

- (10) A crane shall be equipped with a boom, Cranes
- (a) authorized by the manufacturer; or
 - (b) designed by a professional engineer and fabricated in accordance with the requirements of his design.
- (11) Manufacturers' load-rating plates shall be attached Load-rating plates to all cranes in clear view of the operator and shall contain sufficient information to enable the operator to determine the safe load which can be hoisted by the crane under any conditions.
- (12) Where the boom of a crane is other than that Idem authorized by the manufacturer, the load-rating plate shall be in accordance with information supplied by a professional engineer.
- (13) Where a person may be endangered by the rotation Guide ropes or uncontrolled motion of a load being hoisted by a crane or similar machine, one or more guide ropes or tag lines shall be used to prevent the rotation or other uncontrolled motion.
- (14) When the operator of a crane, shovel or similar Where signalmen required machine has his view of the path of travel of any part of the machine or its load obstructed, one or more competent signalmen shall assist him by keeping the part of the machine or its load under observation and communicating with the operator by adequate visual signals, or where this is impracticable, by a suitable telecommunication system.
- (15) While a section of a pipeline or hose is under pressure, Repairs to pipeline no person shall commence to disconnect or carry out any repairs on that section.
- (16) A hose supplying steam or air to the hammer of a Pile drivers supply hoses pile driver shall have attached to it a wire rope or chain to prevent the hose from whipping if the hose becomes separated from the hammer.
- (17) Every lifting jack shall, Lifting jacks
- (a) have its rated capacity legibly cast or stamped in plain view on the jack; and
 - (b) be equipped with a positive stop to prevent over-travel or with an indicator where a positive stop is impracticable.

Piles

- (18) During the hoisting, placing, removal or withdrawal of piles or sheet-piling, they shall be adequately supported at all times and all persons not actually engaged in the operation shall be kept from the area.

Internal combustion engines

- (19) No internal combustion engine shall be operated,
- (a) in an excavation unless adequate provision is made to ensure that exhaust gases and fumes will not accumulate in the excavation; or
 - (b) in an enclosed building or other enclosed structure unless,
 - (i) the exhaust gases and fumes are discharged directly to outdoors to a point sufficiently remote to prevent their return, or
 - (ii) there is an adequate supply of air for combustion and adequate mechanical exhaust ventilation. *New.*

SPECIAL PROVISIONS

Excavations for wells

583.—(1) Where the walls of an excavation for a well are not supported as prescribed by subsection 3 of section 573, no person shall enter or remain in the excavation if it is over four feet in depth, unless,

- (a) a steel liner of adequate strength has been installed which,
 - (i) extends two feet above ground level and to within four feet of the point where the work is being done,
 - (ii) is adequately supported on two sides by steel wire rope, and
 - (iii) is such that the difference between the diameter of the excavation and the diameter of the liner does not exceed four inches; and
- (b) the person,
 - (i) works from within the steel liner,

- (ii) is wearing a safety harness the rope of which is secured at the surface, and
 - (iii) is attended by another person who is stationed outside the excavation.
- (2) No person shall enter a confined space where the ^{Confined spaces} means of egress is restricted, unless,
- (a) the space has been tested to ascertain if a hazard exists;
 - (b) adequate precautions as prescribed by these requirements have been taken against any hazard found to exist;
 - (c) he is attended by another person stationed outside the confined space; and
 - (d) suitable arrangements have been made to remove the person from the confined space if he requires assistance, and where practicable, these arrangements shall include his use of a safety harness or safety belt.
- (3) During rock drilling operations, an adequate supply ^{Rock drilling operations} of water shall be provided where necessary to control the dissemination of dust into the breathing zone of persons in the area who are not protected as required by subsection 3 of section 572.
- (4) Where explosives are used on a project, sections 279 ^{Explosives} to 310 apply. *New.*

RUNWAYS, RAMPS, PLATFORMS

- 584.—(1) A runway, ramp or platform, other than a ^{Runway etc.} scaffold platform shall be,
- (a) designed, constructed and maintained to safely support all loads that may reasonably be expected to be applied to it;
 - (b) nineteen inches or more in width; and
 - (c) securely fastened in place.
- (2) A ramp shall have, ^{Ramps}
- (a) a slope not exceeding one foot of vertical rise to each three feet of horizontal run; and

(b) cross cleats if the slope exceeds one foot of vertical rise to each eight feet of horizontal run, and the cleats shall be,

- (i) spaced at regular intervals not exceeding eighteen inches, and
- (ii) of equivalent strength and have equivalent resistance to slipping as one inch by two inch dressed boards securely nailed to the ramp.

Exception

(3) Subsection 2 does not apply to a ramp installed in the stairwell of a building not exceeding two storeys in height, but every such ramp shall have,

- (a) a slope not exceeding one foot of vertical rise to one foot of horizontal run; and
- (b) cross cleats,
 - (i) spaced at regular intervals not exceeding twelve inches, and
 - (ii) of equivalent strength and have equivalent resistance to slipping as two inch by two inch dressed boards securely nailed to the ramp. *New.*

LADDERS

Ladders

585.—(1) A ladder shall,

- (a) be designed, constructed, maintained and used so as not to endanger the safety of any person;
- (b) be used only in such a way that the loads applied do not cause the materials used in any part of the ladder to be stressed beyond the allowable unit stresses for the materials used;
- (c) be free from broken or loose members or other faults;
- (d) have rungs evenly spaced twelve inches on centres;
- (e) have side rails not less than twelve inches apart;

- (f) be placed on a firm footing;
- (g) be held in place by one or more persons while being used, if it exceeds thirty feet in length and is not securely fastened;
- (h) when not securely fastened, be placed so that the base of the ladder is not less than one quarter and not more than one third of the length of the ladder from a point directly below the top of the ladder and at the same level as the base of the ladder;
- (i) if used as a regular means of access between floors,
 - (i) be securely fastened in place,
 - (ii) extend at least three feet above every landing or floor,
 - (iii) have a clear space of four inches behind any rung, and
 - (iv) be so located that an adequate landing surface, clear of obstructions, is available at the top and bottom of the ladder;
- (j) not be in an elevator shaft or hoistway when such space is being used for hoisting; and
- (k) not be lashed to another ladder to increase its length.

(2) A wooden ladder shall,

Wooden
ladders

- (a) consist of wood that is straight-grained and free from loose knots, sharp edges, splinters and shakes;
- (b) not be painted or coated with an opaque material; and
- (c) have rungs of clear straight-grained material that is free of knots.

(3) A wooden ladder of the cleat type shall have,

Wooden
cleat-type
ladders

- (a) side rails,

- (i) not less than $1\frac{5}{8}$ inches by $3\frac{5}{8}$ inches for ladders up to and including nineteen feet long, and
- (ii) not less than $1\frac{5}{8}$ inches by $5\frac{5}{8}$ inches for ladders over nineteen feet long; and

(b) cleats or rungs,

- (i) not less than five eighths of an inch by $2\frac{5}{8}$ inches, and
- (ii) braced by filler blocks between the cleats or rungs.

Double
width
ladders

(4) A double width ladder shall,

- (a) have three rails evenly spaced;
- (b) be not less than five feet in width;
- (c) have cleats or rungs that extend the full width of the ladder; and
- (d) be securely fastened in place.

Maximum
lengths of
ladders

(5) The maximum length of a ladder measured along the side rail shall be,

- (a) 16 feet for a trestle ladder, a base section of an extension trestle ladder, or an extension section of an extension trestle ladder;
- (b) 20 feet for a step ladder;
- (c) 30 feet for a single ladder or individual section of a ladder;
- (d) 48 feet for a two-section extension ladder; and
- (e) 66 feet for an extension ladder having more than two sections.

Runs of
ladders

(6) Runs of ladders shall,

- (a) have rest platforms at intervals not greater than thirty-five feet; and
- (b) be offset at every rest platform to provide overhead protection.

- (7) Subsection 6 does not apply to a permanently in-^{Exception} stalled ladder which is provided with a safety cage over its entire length.
- (8) When a step-ladder is being used as a self-supporting ^{When ladder used as a self-supporting unit} unit,
- (a) the legs shall be fully spread and the spreader shall be locked;
 - (b) the top of the step-ladder shall not be used as a step; and
 - (c) the pail shelf shall not be used as a step.

STAIRS

- (9) Temporary stairs and landings shall be designed and ^{Temporary stairs and landings} constructed to safely support a live load of 100 pounds per square foot.
- (10) Stairs shall, ^{Requirements for stairs}
- (a) have treads and risers uniform in width, length and height in any one flight;
 - (b) have stringers making an angle not exceeding fifty degrees from the horizontal;
 - (c) have a vertical distance between landings not exceeding twelve feet; and
 - (d) have a handrail equivalent to the top-rail of a guardrail as prescribed in these requirements securely fastened and supported in place on the open side or sides of each flight and at each landing.
- (11) Temporary stairs shall have a clear width of not less ^{Temporary stairs} than thirty inches.
- (12) Skeleton steel stairs shall have temporary wooden ^{Skeleton steel stairs} treads,
- (a) of suitable planking extending the full width and breadth of the stairs and landings; and
 - (b) securely fastened in place.

Exception

(13) Clause *b* of subsection 10 and subsection 11 do not apply to a prefabricated stair erected inside a tower formed by scaffold frame sections where,

- (a) the stringers make an angle not exceeding sixty degrees from the horizontal; and
- (b) the stairs have a clear width of twenty inches.
New.

GUARDRAILS

Where
guardrails
required

586.—(1) A guardrail shall be provided and maintained in good condition,

- (a) around any uncovered opening in a floor, roof or other surface; and

- (b) at the perimeter or any other open side of,

- (i) a floor, including a mezzanine and a balcony,

- (ii) a surface of a bridge,

- (iii) a scaffold, including a platform, runway or ramp, or

- (iv) a concrete roof, while the formwork remains in place,

from which a person may fall,

- (v) into water,

- (vi) for a vertical distance of four feet or more where the scaffold referred to in subclause iii of clause *b* is used for wheelbarrows or other vehicles, or

- (vii) for a vertical distance of ten feet or more.

Require-
ments for
guardrails,
height

(2) A guardrail shall have a height of not less than thirty-six inches and not more than forty-two inches above the surface, floor, scaffold or concrete roof on which it is installed.

Idem
specifica-
tions

(3) A guardrail shall be constructed in accordance with one of the following specifications:

1. A wooden guardrail, free from splinters and protruding nails, consisting of,
 - i. a top rail not less than $1\frac{5}{8}$ inches by $3\frac{5}{8}$ inches in cross-section, securely supported on posts not less than $1\frac{5}{8}$ inches by $3\frac{5}{8}$ inches in cross-section, spaced at intervals of not more than eight feet,
 - ii. an intermediate rail not less than three inches wide, securely fastened to the inner side of the post midway between the top rail and the toe-board, and
 - iii. a toe-board securely fastened to the posts or other vertical supports, and extending from the surface, floor, scaffold or roof, to a height of not less than five inches;
2. A wire cable guardrail maintained taut by means of a turnbuckle consisting of,
 - i. a top-rail and an intermediate rail of not less than one-half of an inch diameter wire cable with vertical separators at least two inches wide, spaced at intervals of not more than eight feet, and
 - ii. a toe-board securely fastened to the inner side of the vertical separators and extending from the surface, floor, scaffold or roof to a height of not less than five inches; or
3. Notwithstanding the height limitations of subsection 2, a guardrail of fencing material, commonly referred to as snow fencing, adequately supported in a vertical position and maintained taut, which shall have,
 - i. vertical pieces of lumber four feet long, not less than one and one-half inches wide and three-eighths of an inch thick, painted a distinctive colour, and woven between five double strands of number thirteen Imperial Standard Gauge steel wire so that the lumber shall be tight

between the wire and space at not more than three and one half inches centre to centre, and

- ii. the double stranded wires shall be wrapped round each other at least three times in each space between the lumber and shall be evenly spaced ten inches apart.

Guardrails

- (4) A guardrail shall be constructed in accordance with paragraph 1 of subsection 3 if the district mining engineer is of the opinion that the wire cable guard-rail or fencing material is not installed or is not being maintained in good condition. *New.*

SCAFFOLDS

Where scaffolds required

- 587.—(1) Where work cannot be done safely on or from the ground or from a building or other permanent structure, a scaffold constructed as prescribed in this section, or some other equally safe means of support for persons, shall be provided.

Use of loose objects prohibited

- (2) No person shall use stilts, a barrel, box or other loose object,
 - (a) to stand upon while working; or
 - (b) to support a scaffold or working platform.

Supervision required

- (3) The erection, use, dismantling or removal of a scaffold shall be done under the supervision of a person experienced in this work.

Carrying on of work

- (4) During the erection, alteration or dismantling of a scaffold or scaffold platform, work, other than that required for the erection, alteration or dismantling,
 - (a) shall be done only from the parts of the scaffold or scaffold platform which comply with subsection 1 of section 586 and subsection 5 of this section; and
 - (b) shall not be performed beneath the part being erected, altered or dismantled unless adequate overhead protection is provided.

Requirements for scaffolds

- (5) A scaffold shall,
 - (a) be capable of supporting two or more times the maximum loading to which it may be

subjected without exceeding the allowable unit stresses for the materials used and where the principal component of the scaffold is a tubular metal frame;

- (b) be constructed only of suitable structural material and where lumber is used, it shall be No. 1 Construction Grade Eastern Spruce or better;
- (c) have all uprights diagonally and horizontally braced to prevent lateral movement;
- (d) have no splices between the points of support of horizontal members;
- (e) have footings, sills or supports which shall be sound, rigid, and capable of supporting the maximum load without unsafe settlement or deformation;
- (f) have all necessary fittings and gear, which shall be suitable and properly installed;
- (g) have safety catches on all hooks; and
- (h) be adequately secured to prevent lateral movement at vertical intervals not exceeding three times the least lateral dimension of the scaffold measured at the base.

(6) A scaffold platform shall,

Require-
ments for
scaffold
platforms

- (a) be designed, constructed and maintained to safely support all loads to be applied to it in accordance with clause *a* of subsection 5;
- (b) be at least nineteen inches wide;
- (c) when ten or more feet above a floor, roof or other surface, consist of planks tightly laid for the full width of the scaffold; and
- (d) when lumber is used, have planks which,
 - (i) are of No. 1 Construction Grade Eastern Spruce or better,
 - (ii) are at least two inches thick and ten inches wide,

- (iii) overhang its end supports by not less than six inches and not more than eighteen inches, and
- (iv) are cleated or otherwise secured against slipping.

Require-
ments for
suspended
scaffolds

(7) A suspended scaffold shall,

- (a) be attached to a fixed support or an out-rigger beam capable of supporting four or more times the maximum loading to which it may be subjected, without overturning and without exceeding the allowable unit stresses for the materials used;
- (b) have hangers located not less than six inches and not more than eighteen inches from the ends of the platform;
- (c) when capable of moving either vertically or horizontally,
 - (i) have rope falls equipped with suitable pulley blocks, or
 - (ii) have a mechanical hoisting device equipped with a positive locking device to prevent the scaffold from falling freely;
- (d) not use fibre rope where,
 - (i) the distance between blocks exceeds three hundred feet,
 - (ii) any corrosive substance is in the vicinity of the rope, or
 - (iii) any mechanical grinding or flame cutting equipment is to be used in the vicinity of the rope;
- (e) when not being raised or lowered, where practicable, be secured to and firmly anchored to the building or structure; and
- (f) have wire mesh of at least No. 16 gauge rejecting a ball one and a half inches in diameter, extending from the toe-board to the rail of the guardrail and fastened securely in place.

(8) A boatswain's chair shall,

Boatswain's
chair

- (a) be not less than two feet long and ten inches wide;
- (b) be supported by a sling which shall be at least three-eighths of an inch wire rope, if the workman on the chair is using,
 - (i) any corrosive substance, or
 - (ii) any mechanical grinding or flame cutting equipment; and
- (c) not be required to comply with clauses *b* and *f* of subsection 7.

(9) Each person on a suspended scaffold shall use a ^{Safety belts} safety belt attached in a satisfactory manner to a separate independently suspended life-line of at least five-eighths of an inch manila rope securely attached overhead to the project or other suitable support in such a way that, failure of the scaffold support does not cause failure of the life-line support, the life-line is free from danger of chafing on any sharp edge, and if the person should fall, he will be suspended at a distance of not more than five feet from the place where he was working.

(10) Subsection 9 does not apply to a part of a suspended ^{Exception} scaffold which is designed, constructed and maintained in such a way that the failure of one support or one suspension will not cause the collapse of the part of the scaffold directly or by progressive collapse of the other supports or suspensions.

(11) An outrigger scaffold shall have,

Outrigger
scaffolds

- (a) the platform commencing within three inches of the wall; and
- (b) outrigger beams which are well secured against horizontal and vertical movement.

(12) A ladder jack scaffold shall,

Ladder jack
scaffolds

- (a) have ladder jacks that transmit their load directly to the ladder side rails;
- (b) not be used to provide a working platform more than ten feet above a floor, roof or any other surface supporting the ladders; and

- (c) not be used where the distance between the ladders exceeds ten feet.

Mobile
scaffolds

(13) A mobile scaffold mounted on casters or wheels shall,

- (a) where the height of the scaffold exceeds three times its least lateral dimension measured at the base, be equipped with outriggers, guy wires or other positive means to prevent overturning;
 - (b) be equipped with a suitable braking device on each wheel;
 - (c) have the brakes applied when any person is on the scaffold or scaffold platform; and
 - (d) not be moved when a person is on the scaffold or scaffold platform except when every person on the scaffold is using a safety belt in a similar manner to that prescribed in subsection 9 for a person on a suspended scaffold.
- New.*

FORMWORK AND FALSEWORK

Concrete
forms, etc.,
when
adequate

588.—(1) Every structure and every part of a structure for the purpose of forming concrete shall be designed, constructed, supported and braced to safely withstand all loads likely to be applied to it before, during and after the placing of concrete.

Where
shores
used

(2) Where shores are used,

- (a) the bracing required by subsection 1 shall include sufficient bracing in the vertical and horizontal planes to prevent lateral movement of the formwork and buckling of the shores; and
- (b) footings for shores shall be sound, rigid and capable of carrying the maximum load without excessive settlement or deformation.

Shoring
in tiers

(3) Where shoring is more than one tier in height, the junction of each tier shall be braced to prevent any lateral movement.

- (4) Without limiting the generality of subsection 1, ^{Idem} where falsework consists of shoring more than one tier in height or is a framed structure,
- (a) such falsework shall be designed by a professional engineer to safely withstand the loads mentioned in subsection 1;
 - (b) the drawings of such falsework shall be prepared and shall,
 - (i) show the size and specifications of the falsework, including the type and grade of all materials for its construction,
 - (ii) bear the seal or signature of the professional engineer, and
 - (iii) be kept at the project at all times while the falsework is being constructed or used; and
 - (c) such falsework shall be constructed in accordance with the drawings prescribed in clause *b* and any revisions shall be countersigned by the professional engineer mentioned in clause *a*.
- (5) Removal of falsework and formwork shall not be ^{Removal of forms} commenced until the concrete has attained sufficient strength to be,
- (a) self-supporting, or
 - (b) capable of being adequately supported by reshoring. *New.*

DEMOLITION

- 589.—(1) No person shall commence or continue to ^{Precautions to be taken} demolish, dismantle or move a building or other structure until such times as,
- (a) he has taken steps to prevent injury to any person in or near the project or the adjoining property; and

- (b) all existing gas, electrical and other services that are likely to endanger the safety of persons having access to the building or other structure have been properly shut off and disconnected.

Standing on
walls, etc.,
prohibited

- (2) No person shall stand on top of a wall, pier or chimney to remove material therefrom, unless safe flooring or adequate scaffolding or staging is provided on all sides not more than ten feet below his place of working.

Require-
ment as to
scaffolding

- (3) Scaffolding shall be made self-supporting to be independent of that portion of the project being demolished.

Application
of section

- (4) This section applies to demolition by,
 - (a) a heavy weight suspended by cable from a crane or other hoist machine;
 - (b) a power shovel, bulldozer or other vehicle;
 - (c) any other powered mechanical device;
 - (d) explosives; or
 - (e) any combination of the foregoing.

Duty of
person in
charge

- (5) The person in charge of demolition shall ensure that no person except his employees directly engaged on the demolition described in subsection 4, enters a demolition zone,
 - (a) having its centre at the point of demolition; and
 - (b) having a horizontal radius equal to one and a half times the height of the project, or portion of the project being demolished.

Controls of
mechanical
devices

- (6) The controls of a mechanical device for demolishing a project shall be operated from a safe location which shall be as remote as is practicable from the demolishing operation.

- (7) Where a swinging weight is used for demolishing, the supporting cable shall be of such length or so restrained that the weight will not swing against any structure other than the structure being demolished. ^{Swinging weights}
- (8) Before demolition commences, glass shall be removed from windows and other locations on the project or otherwise protected so that there is no possibility of breakage of the glass at any stage of the demolition. ^{Glass}
- (9) Demolition shall proceed systematically from the highest to the lowest point of the project. ^{Method of working}
- (10) In a skeleton structural frame building, the skeleton structural frame may be left in place during the demolition or dismantling of the masonry if the masonry and any loose material is removed from the skeleton structural frame in the order prescribed in subsection 9. ^{Idem}
- (11) The work above each tier or floor shall be completed before the safety of its supports is impaired by the demolition or dismantling operations. ^{Idem}
- (12) Where work on a building or structure being demolished or dismantled is suspended or discontinued prior to the completion of the demolition or dismantling, access to the part which has still to be demolished or dismantled shall be prevented by the installation of fencing or other equally effective barriers. ^{Where work suspended or discontinued}
- (13) A truss, girder or other structural member shall not be disconnected until it has been relieved of all loads except its own weight and has been temporarily supported. ^{Girders}
- (14) Masonry walls shall be removed in reasonably level courses. ^{Masonry walls}
- (15) Materials shall not be loosened or permitted to fall in such masses as to endanger the structural stability of a floor or other support of the project or of any scaffold. ^{Falling materials}

Basements
to be
backfilled

- (16) A basement, cellar or excavation on a project being demolished or dismantled shall be backfilled to grade upon completion of the demolition or dismantling unless the open edges of the basement, cellar or excavation are protected by adequate fencing.

Exception

- (17) Subsection 16 does not apply to a basement or cellar which has a roof, floor or other solid covering over it and all openings are boarded up to prevent access to the basement or cellar. *New.*

EXPLOSIVE ACTUATED FASTENING TOOLS

Fastening
tools

590.—(1) An explosive actuated fastening tool shall,

- (a) be operated only by an authorized person who has been duly instructed in the use of the equipment according to the manufacturer's specifications and recommendations;
- (b) be operated only in accordance with the manufacturer's approved recommendations;
- (c) be inspected by the operator before use to ensure that it is clean and in all ways suitable for use;
- (d) not be left unattended in a place where it might be available to an unauthorized person;
- (e) be stored in a locked container.

Explosive
loads

(2) Explosive loads shall,

- (a) be suitably identified;
- (b) be stored in separate compartments if of varied strength;
- (c) be stored in a locked container; and
- (d) not be left unattended in a place where they may be available to unauthorized persons. *New.*

CONSTRUCTION HOISTS

591.—(1) In this section and in sections 592 to 596, Interpre-
tation

- (a) “attendant” means a person who is stationed on the conveyance or at its landing places and has control of any movement of the conveyance of the hoist as whole or part of his duties;
- (b) “chimney hoist” means a hoist used for hoisting or lowering persons or materials in or without a chimney;
- (c) “concrete bucket hoist” means a construction hoist used for hoisting or lowering concrete only;
- (d) “construction hoist” means a mechanism for use in connection with the construction, maintenance or demolition of a building, structure or other work on surface of a mining property,
 - (i) for hoisting or lowering materials or persons or both, and
 - (ii) equipped with a conveyance that moves in guides during its vertical movement, and includes its hoistway and hoistway enclosure;
- (e) “materials hoist” means a construction hoist used for hoisting or lowering materials only;
- (f) “operator” means a person who is stationed at the driving unit of a construction hoist and has direct control of any movement of the conveyance of the hoist as the whole or part of his duties;
- (g) “permit” means a permit granted under this section to operate a construction hoist under specific loadings;
- (h) “user” means the person in charge of a construction hoist as owner, lessee or otherwise, but does not include an operator or attendant as such;

- (i) "workmen's hoist" means a construction hoist used for hoisting or lowering persons or materials.

Specifica-
tions to be
approved

- (2) The specifications for a construction hoist and its equipment, and the general arrangement of the installation including location, tower and hoistway, shall be submitted to the chief engineer for approval and no installation shall be made until such approval has been received.

Specifica-
tions of
subsequent
installations

- (3) The second or any subsequent installation on the same property of a construction hoist and hoistway, originally approved by the chief engineer, may be made on the approval of the district electrical-mechanical engineer, without the submission of plans and specifications, after he has inspected the site.

Tests

- (4) Every construction hoist shall have tests conducted to prove the safe operation of all brakes, clutches, safety devices and controls, before being put into operation at a new location and thereafter, at such intervals as to ensure safe operation.

Idem

- (5) The results of such tests shall be recorded in the Machinery Record Book and made available to the district electrical-mechanical engineer.

Maximum
load
permits

- (6) No construction hoist shall be put into operation until a permit showing the maximum allowable loadings for persons or materials has been obtained from the district mining engineer, and such permit shall be displayed in a conspicuous place in the hoisting area.

Notice

- (7) Where the permit for a construction hoist does not designate the capacity in terms of persons, or persons and pounds, the user of the hoist shall furnish and display a notice, in the conveyance or other load carrying unit of the hoist, setting forth in letters not less than two inches high the words "No person shall ride in or on this conveyance".

Idem

- (8) The prohibition contained in the notice mentioned in subsection 7 applies to every person except a person engaged in the lubrication, repair, erection, dismantling or maintenance of a construction hoist.

- (9) Where a construction hoist has a driving unit that is not directly controlled by a device installed in the conveyance or at each landing of the hoistway, there shall be, ^{Where operator and attendant required}
- (a) an operator at all times; and
 - (b) an attendant in the conveyance or at each landing of the hoistway when persons are being conveyed.
- (10) Where an operator is required for the operation of a construction hoist, he shall, if required, possess a certificate of qualification. ^{Operators must be qualified}
- (11) Where an attendant is necessary for the operation of a construction hoist, the attendant shall have attained the age of eighteen years and shall have had adequate training and experience to perform his duties safely. ^{Attendants must be experienced}
- (12) Every construction hoist and all equipment used in connection therewith shall be so designed, installed and maintained that the safety of persons being carried or being near shall be ensured at all times. ^{Safety of persons}
- (13) The owner or user of a construction hoist shall provide a certificate from the manufacturer or an independent person approved by the chief engineer showing the maximum allowable weight that the hoist is capable of handling. ^{Load capacity certificate}
- (14) The operator of a construction hoist and the hoist shall be adequately protected against falling objects and other hazards consistent with the project. ^{Protection of hoist operators and hoists}
- (15) The installation shall be so arranged that the hoist operator will have the maximum practicable view of the tower. ^{Idem}
- (16) The building housing the hoist shall be adequately lighted. ^{Idem}
- (17) The machine area, tower landings and pit shall be kept free of building materials, debris, and equipment not required for the hoist. ^{Idem}
- (18) Flammable fuels, oil or other readily combustible materials shall be stored away from the hoist area. ^{Idem}

Main
overhead
beams of
hoist towers

- (19) The main overhead beams at the top of the tower and the immediate members supporting the beams shall,

- (a) be of steel; and
- (b) safely support the loads likely to be imposed thereon, including,
 - (i) twice the maximum load on the ropes suspended from the overhead beams, and
 - (ii) the weight of the overhead beams and machinery thereon, and
 - (iii) be rigidly and safely supported at each end.

Hoist
towers

- (20) A construction hoist tower shall,

- (a) be of steel;
- (b) safely support the loads likely to be imposed upon it, including,
 - (i) twice the maximum static load suspended from the overhead beams,
 - (ii) any loads due to a hoist boom or concrete bucket chute,
 - (iii) the weight of the tower, and
 - (iv) loads due to wind and ice;
- (c) be supported upon a safe, firm, level foundation such that the tower will remain in vertical alignment and the bearing capacity of the soil will not be exceeded by the maximum load from the tower, the hoist and its load;
- (d) extend above the top landing so that, when the conveyance is at the top landing, ten feet of overhead clearance will be provided from the topmost part of the conveyance to the lowest part of the tower or machinery over the hoistway;
- (e) not be located wholly or partially in front of an entrance to a building;

- (f) be plumb;
 - (g) be securely braced or guyed to the building or to other adequate anchorage at vertical spacings of not over forty feet; and
 - (h) have each guy wire of steel, a quarter of an inch or larger in diameter, securely attached at each end with rope clips, and with a turn-buckle to adjust its length.
- (21) Where part of a building or structure is used for a ^{Foundations} hoist foundation, it shall be constructed or reinforced to withstand any load that is likely to be placed upon it, and any space beneath a hoist foundation shall be enclosed to prevent any person from entering therein.
- (22) Safe means of access to the overhead sheaves shall ^{Access to sheaves} be provided by a ladder from the highest landing of the tower.
- (23) In the assembling of the segments of steel hoist ^{Assembling steel} towers, connections shall be made with bolts, pins or special devices to prevent the connections from accidentally disengaging.
- (24) Where the counterweight runway is located within ^{Counterweight runways} 36 inches of the building floor or landing, the entire length of the runway adjacent to the building shall be screened with wire mesh (16 gauge) that will reject a ball one and one half inches in diameter.
- (25) Counterweight guards shall consist of a metal frame ^{Counterweight guards} and No. 16 gauge sheet steel, or plywood three-quarters inch thick, properly reinforced and braced, and securely fastened in position.
- (26) Guards shall be installed on all counterweight run- ^{Idem} ways in the open side or sides at grade or working levels and extend to a height of at least eight feet above that level. *New.*
- 592.—(1) The hoistway of a construction hoist shall be ^{Hoistways} enclosed,
- (a) on sides not facing conveyance entrances at the lowest landing to a height of at least six feet; and
 - (b) on sides facing conveyance entrances, from the top of each landing opening to the under-

side of the next landing above or to the top of the hoistway, with No. 16 gauge wire mesh rejecting a ball one and a half inches in diameter and the mesh shall be securely fastened to the tower.

Where
enclosure
not
required

- (2) The enclosure described in clause *b* of subsection 1 may be omitted where the conveyance is equipped on its entrance sides with a door of the vertically sliding or horizontal-swinging type,

(a) extending from within two inches of the conveyance floor to a height of not less than five feet;

(b) consisting of a metal frame and No. 16 gauge wire mesh that rejects a ball one and a half inches in diameter; and

(c) equipped with a positive locking device.

Wire mesh

- (3) A hoistway within a building shall be fully enclosed, except at landing entrances, with No. 16 gauge wire mesh rejecting a ball one and a half inches in diameter or with substantial building materials having equivalent strength and openings.

Pits

- (4) The hoistway pit shall be deep enough to allow the conveyance platform or bucket to descend to the proper level required for smooth loading and unloading at the lowest landing.

Require-
ments for
hoistway
gates

- (5) A substantial gate shall be provided at each entrance to the hoistway of a construction hoist and shall,

(a) extend from within two inches of floor level to a height of six feet;

(b) be of the vertically-lifting or horizontally-sliding type, or one-section horizontally-swinging type;

(c) not be of the vertically-collapsible type;

(d) reject a ball one and a half inches in diameter;

(e) be located between two and four inches of the landing platform; and

(f) provide minimum headroom clearance of six feet six inches when in the open position.

- (6) A counterweight for a gate shall be so enclosed that ^{Counter-weights} it will be retained if its means of suspension fails.
- (7) Each gate shall be equipped with a mechanical latch ^{Latches} to keep the gate in the closed position.
- (8) Each landing gate shall be equipped with an electric ^{Contact light switches} contact switch that will turn on a light to indicate to the hoist operator when the gate is fully closed.
- (9) A substantial landing platform shall be provided at ^{Landing platforms} each entrance to the hoistway of a construction hoist and shall,
 - (a) be securely fastened and safely supported at each end; and
 - (b) be at least equal in width to the hoistway entrance and have, except at the lowest landing, for at least five feet to each side, a guard railing forty-two inches in height and a toe-board five inches in height, with the space between the railing and the toe-board filled in completely and securely with No. 16 gauge wire mesh that rejects a ball one and a half inches in diameter or equal enclosure. *New.*

593.—(1) The conveyance of a construction hoist shall, ^{Conveyances}

- (a) be designed using a factor of safety of not less than five, based upon static loads and ultimate stresses of the materials;
- (b) adequately support fifty or more pounds per square foot of conveyance floor area;
- (c) operate in steel guides that will adequately withstand, without permanent deformation or damage, the application of the safety devices;
- (d) be equipped with approved guide shoes or rollers adjusted to provide only the necessary running clearance between the shoes and the guide rails;
- (e) be equipped with a safety device that will stop and sustain the conveyance when loaded to its maximum capacity should the means of suspension fail;

- (f) be located so that the clearance between the conveyance platform and the landing sill is not less than three-quarters of an inch and not more than two inches;
- (g) be enclosed on each non-entrance side with a toe-board five inches in height and with No. 16 gauge wire mesh extending at least six feet in height above the conveyance floor and rejecting a ball one and a half inches in diameter or shall be enclosed with solid material of adequate strength;
- (h) have an adequate hood, part of which may be hinged, composed of No. 10 gauge wire mesh rejecting a ball one and a half inches in diameter or composed of solid material of equivalent strength;
- (i) be equipped with a door or doors at least five feet in height above the conveyance floor, when used for the handling of persons, and so arranged that the doors can not open outward;
- (j) be equipped when conveying persons with safety devices activated by governors arranged to trip at 25 per cent above normal operating speed.

Cleats and
blocks

- (2) Where a wheelbarrow or other rolling equipment is to be transported, restraining cleats or blocks shall be provided on the conveyance platform.

Counter-
weights

- (3) All counterweights shall have their sections strongly bolted together, shall be so placed that they cannot fall on any part of the machinery and shall be suspended in guides in such a manner that they will run freely. *New.*

Hoist ropes

- 594.—(1) The hoisting rope or ropes of a construction hoist shall,

- (a) safely support the maximum static load to be imposed upon it without exceeding the ultimate breaking strength of the rope divided by the factor of safety for a construction hoist rope as set forth in the table in clause *k*;
- (b) be not less than one half inch in diameter and composed of not less than six strands each of nineteen steel wires;

- (c) where used on a drum hoist have at least three complete turns of rope on the drum when the conveyance is at its lowest point of travel;
- (d) be examined daily for kinks, broken wires or other physical defects;
- (e) be properly dressed and maintained in a safe working condition;
- (f) be protected from falling material and rope-ways shall be maintained free of all material;
- (g) not cross over or under ropes from other hoists;
- (h) not be spliced;
- (i) not encircle or be supported or guided by a sheave or drum whose diameter is less than twenty-four times the diameter of the rope in use;
- (j) be securely anchored at each end by approved means;
- (k) provide a factor of safety, when considering the static loadings involved, not less than required in the following table:

TABLE
Minimum Factors of Safety for Hoisting Ropes

Rope Speed (Feet per Minute)	Minimum Factor of Safety		Rope Speed (Feet per Minute)	Minimum Factor of Safety	
	Workmen's Hoist	Materials Hoist		Workmen's Hoist	Materials Hoist
50	7.60	6.65	300	9.20	8.20
75	7.75	6.85	350	9.50	8.45
100	7.95	7.00	400	9.75	8.70
125	8.10	7.15	450	10.00	8.90
150	8.25	7.30	500	10.25	9.15
175	8.40	7.45	550	10.45	9.30
200	8.60	7.65	600	10.70	9.50
225	8.75	7.75	650	10.85	9.65
250	8.90	7.90	700	11.00	9.80

- Travelways (2) Where practicable, travelways and walkways shall be routed clear of ropes and the hoistman's view of the hoistway, but in any event, a safe travelway shall be provided.
- Used ropes (3) No used rope shall be installed anew or used on a newly installed hoist until its condition has been proven satisfactory by examination, electro-magnetic test, laboratory test or combination of these tests as required by the district electrical-mechanical engineer.
- Broken wires in ropes (4) No rope shall be used where more than 5 per cent of the total number of wires in any one lay of the rope are broken, or where visual inspection shows evidence of severe wear, corrosion, kink, or other possible cause of rope failure. *New.*
- Signals 595.—(1) Electrical or mechanical means of signalling the operator of a construction hoist shall be provided at each landing,
- (a) where the travel of the conveyance is more than thirty-five feet; or
- (b) where the hoist operator does not have a clear view of the landing.
- Code (2) The following code shall be used to give signals to a hoist operator:
- 1 signal—Stop immediately if in motion.
- 1 signal—Hoist.
- 2 signals—Lower.
- *3 signals—Persons will be on conveyance, operate carefully.
- *(This signal to be given before persons enter the conveyance).
- Voice communication (3) Where the operator does not have a clear view of all the hoistway landings, the operator shall have voice communication with each landing, but movement of the conveyance shall be made upon signal only.
- Electrical power (4) The electrical power in the signal system shall not exceed 30 volts. *New.*

SPECIFICATIONS

596.—(1) Every construction hoist shall be,

Specifica-
tions

- (a) equipped with a permanent tag or nameplate showing the horse power of the driving unit;
- (b) securely fastened to its foundation;
- (c) equipped with a brake or brakes that will stop and hold the conveyance when 150 per cent loaded, at every position in the hoistway;
- (d) if electrically driven, so arranged that the brake or brakes will be applied automatically in case of power failure;
- (e) if of a drum winder type, equipped with drum flanges of a height sufficient to provide a clearance of not less than twice the nominal diameter of the rope above the top layer of rope on the drum;
- (f) equipped with a device to indicate to the operator,
 - (i) position of conveyance in the hoistway,
 - (ii) limits of travel,
 - (iii) position at which underwind and overwind protective devices operate, and
 - (iv) position of all points at which landings may be made;
- (g) when the hoisting drum is of the free-running type, equipped with a pawl or other device that will hold the conveyance with its maximum load at any point in the hoistway;
- (h) provided with a disconnect switch at each location, wired in series, when the machine and the controller are in separate locations.
- (i) equipped with limit switches;
- (j) properly guarded to prevent injury to persons from gearing, shafting or other equipment;

- (k) capable of lifting the conveyance and its maximum allowable load, and it shall not be loaded beyond its rated capacity;
- (l) not operated until the hoistway is provided with adequate overwind and underwind clearance;
- (m) not used for the transportation of men at any time, unless equipped as a workmen's hoist.

Workmen's
hoists
additional
require-
ments

- (2) Every workmen's hoist, in addition to the requirements of section 591, shall be,

- (a) equipped with two or more ropes;
- (b) equipped with overwind and underwind limit switches activated by the movement of the conveyance or counterweight, and in the latter case, the overwind protective device may be located at the lower end of travel;
- (c) equipped with a speed control device which shall automatically return to the "off" or "neutral" position when released;
- (d) equipped with a slack rope device, a reverse phase relay and a stop motion switch where the hoist is of the drum winding type;
- (e) so arranged that the brake or brakes shall be applied automatically in case of failure of electrical supply to the safety circuit, and one brake shall be mechanically applied and electrically released;
- (f) so arranged that the power unit shall drive the hoist drum when the conveyance is being raised or lowered and no mechanism for disconnecting the hoist drum from the power unit shall be available;
- (g) not used for the purpose of handling men and materials simultaneously with the exception of hand tools;
- (h) not operated until the hoistway is provided with,
 - (i) buffers in the pit,
 - (ii) a counterweight guard at the bottom of the hoistway, and

- (iii) an electro-mechanical interlock on each landing gate or a means to lock the gate mechanically so that it cannot be opened from the landing side unless the conveyance is at the landing, but at the lowest landing means of unlocking the gate from the landing side shall be provided;
 - (i) inoperable unless the conveyance doors and hoistway gates at all landings are fully closed;
 - (j) so arranged that control of the movement of the conveyance shall be by a conveyance-switch or push-button located in the conveyance with or without a push-button at each landing;
 - (k) provided with a Machinery Record Book in which shall be recorded inspections, tests, and other data as required.
- (3) The requirements of this Part applicable to construction hoists apply also to concrete bucket hoists^{Concrete bucket hoists}, except that a conveyance safety device shall not be required.
 - (4) No person shall ride in or on a concrete bucket, ^{Idem} except any person engaged in maintenance or repair work.
 - (5) The plans and specifications for chimney hoists and the general arrangements of the installation shall be submitted to the chief engineer for approval before being put into use. ^{Chimney hoists}
 - (6) The bottom fastening of a boom to the tower shall be located at a level where guy ropes are fastened at horizontal girts, and the upper fastening for the boom shall be located at a distance not less than one-half the length of the boom above its bottom fastening and at a level where guy ropes are fastened at horizontal girts. ^{Tower booms}
 - (7) The boom and its associated equipment shall be of an approved design and construction and operated in a safe manner.
 - (8) A qualified person shall be in charge of the operation of the boom. *New.*

GENERAL

Wilful
damage to
property

597.—(1) No person shall wilfully damage or, without proper authority, remove or render useless any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, electrical equipment, fire-fighting equipment, first-aid equipment or other appliance or thing provided at a mine or plant in compliance with this Act. 1961-62, c. 81, s. 595.

Persons
under the
influence of
or carrying
liquor

(2) No person under the influence of or carrying intoxicating liquor shall enter a mine or be in the proximity of a working place on the surface or near machinery in motion. 1961-62, c. 81, s. 596.

Abstracts
to be
posted

(3) Abstracts of the provisions of this Act, authorized by the chief engineer, shall be posted up in suitable places at the mine or works where they can be conveniently read, and the owner, agent or manager of the mine shall maintain such abstracts duly posted, and the removal or destruction of any of them is an offence against this Act. 1961-62, c. 81, s. 597.

Charges

(4) The Minister may prescribe the charge to be made for any record or log book required under this Part. 1961-62, c. 81, s. 598.

TESTING LABORATORIES

Testing
laboratories

598. The Minister may, out of the moneys that are appropriated for the purpose, establish, maintain and operate one or more laboratories for the purpose of testing or examining hoisting ropes or other appliances used in or about a mine and, by regulations made by the Lieutenant Governor in Council, may provide for,

(a) the management and operation of such laboratory or laboratories;

(b) the charges to be paid for services performed in such laboratory or laboratories;

(c) such other purposes as the Lieutenant Governor in Council deems proper. 1961-62, c. 81, s. 599.

PARTY WALLS

- 599.—(1) Subject to section 195 and except by agreement ^{Boundary operations} under subsection 3, no mining operations shall be carried on within a distance from the property boundary of a mine or mining property of twice the width or thickness of the orebody at the boundary, measured parallel to the boundary from foot wall to hanging wall and normal to the dip, and in no event shall mining operations be carried on within a distance of twenty feet from the boundary measured from the perpendicular to the boundary,
- (a) except that, for the purposes of preliminary investigation, development headings may be advanced to twenty feet from the boundary; and
 - (b) except that exploratory diamond drilling may be done.
- (2) Subsection 1 does not apply to operations at sand, gravel or clay pits or open-cast rock quarries. ^{Exception} 1961-62, c. 81, s. 600 (1, 2).
- (3) Adjoining owners or their agents may, by agreement ^{Agreement by adjoining owners or their agents} in writing signed by them, carry on mining operations within the distances from the property boundary mentioned in subsection 1.
- (4) Two certified copies of every such agreement shall be sent to the chief engineer. ^{Certified copies to chief engineer} 1961-62, c. 81, s. 600 (3, 4), *amended*.
- 600.—(1) Where adjoining owners or their agents are ^{Disagreement on boundary operations} unable to agree to carry on mining operations within the distances from the property boundary mentioned in subsection 1 of section 599, application may be made to the Minister by either owner or his agent requesting the appointment of a committee to investigate in what manner and within what distances from the boundary mining operations may be carried on. 1961-62, c. 81, s. 601 (1), *amended*.
- (2) Upon receipt of an application under subsection 1, ^{Appointment of committee} the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to investigate mining conditions at the boundary.

Duty of
committee

- (3) The committee so appointed shall hear representations from the adjoining owners and conduct such investigation of mining conditions on the adjoining mining properties as may be necessary at a time or times named by the Minister.

Report of
committee

- (4) Upon completion of their investigation, the committee shall forthwith submit a report in writing to the Minister with recommendations concerning terms and conditions of mining operations at the boundary.

Order of
Minister

- (5) Upon receipt of the report of the committee, the Minister may issue an order establishing the terms and conditions to be observed in mining operations at the boundary and shall fix the costs of the committee to the adjoining owners. 1961-62, c. 81, s. 601 (2-5).

Suspected
breach or
trespass of
party wall

- 601.—(1) Where the owner or his agent of a mine or mining property has reason to believe that a breach has been made in or a trespass has been committed with respect to the party wall between his mine or mining property and an adjoining mine or mining property, application may be made to the Minister by the owner for the appointment of a committee to examine the party wall and enter the adjoining mines or mining properties with an assistant or assistants and use where necessary the workings and appliances thereof. 1961-62, c. 81, s. 602 (1), *amended*.

Appoint-
ment of
committee

- (2) Upon receipt of an application under subsection 1, the Minister may appoint a committee of three disinterested persons, one of whom shall be designated chairman, who are competent to conduct such examination of the party wall as may be necessary.

Duty of
committee

- (3) The committee so appointed shall conduct such examination of the party wall as may be necessary at a time or times named by the Minister.

Report of
committee

- (4) Upon completion of the examination the committee shall forthwith submit a report of its findings in writing to the Minister.

Costs

- (5) Upon receipt of the report of the committee, the Minister shall fix the costs of the committee to one or both owners.

Breach of
party wall

- (6) Where a breach has been made in a party wall of a mine by the owner of an adjoining mine, or by his

employees or agents, without the permission in writing of the owner of the first-mentioned mine or without authority under this Act, the Minister may make an order directing the offending owner to close the breach permanently or to carry out such measures as the Minister deems necessary to prevent water from flowing into the mine of the owner complaining of the breach.

- (7) Where work has been discontinued in the mine of the offending owner or where expedient for any other reason, the Minister may authorize the owner complaining of the breach, his employees or agents, to enter the mine and works of the offending owner to erect bulkheads and carry out such measures as the Minister deems necessary to protect from damage the mine of the owner complaining of the breach and his employees and agents from danger from from accumulations of water in the mine of the offending owner. 1961-62, c. 81, s. 602 (2-7).

602. For good cause shown and upon such terms as seem just, the Minister may vary or rescind an order made under section 600 or 601. 1961-62, c. 81, s. 603.

BRINE WELLS

- 603.—(1) In this section,
- (a) “brine well” means a hole or opening in the ground for use in brining;
- (b) “brining” means the extraction of salt in solution by any method. 1961-62, c. 81, s. 604 (1).
- (2) No person shall drill or bore a brine well except under the authority of a permit in writing issued by the chief engineer upon application therefor in the prescribed form. 1961-62, c. 81, s. 604 (2), *amended*.
- (3) A permit shall not be issued,
- (a) to authorize a person to drill or bore a brine well on property in which he does not own, hold or lease, or is not otherwise entitled to, the mining rights; or
- (b) where the proposed brine well is nearer the boundary of such property than 500 feet.

Location of
brine well

- (4) The chief engineer may reduce or extend the distance referred to in clause *b* of subsection 3 where in his opinion it is advisable to do so and shall notify the applicant of any such reduction or extension within thirty days from the date upon which the application for the permit is filed.

Condition
of permit

- (5) A permit is subject to the condition that the brine well in respect of which it is issued is bored or drilled in the location described in the permit. 1961-62, c. 81, s. 604 (3-5).

Time for
issuance of
permit

- (6) A permit shall be issued or refused within thirty days from the date on which the application therefor is filed, except that, where notice has been given by the chief engineer under subsection 4, the permit shall be issued upon the receipt by the chief engineer of the applicant's consent thereto. 1961-62, c. 81, s. 604 (6), *amended*.

Log of
drilling
operations

- (7) Where a person drills or bores a brine well, he shall forward a log of the drilling or boring in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the drilling or boring operations, and, upon his request in writing, the log shall be confidential for a period of six months.

Protection
of water
horizons

- (8) A person boring or drilling a brine well shall take such reasonable measures as are necessary to control the infiltration of water from one horizon to any other horizon that may be penetrated during the drilling or boring operations.

Protection
of deposits

- (9) All brine wells shall be cased and equipped so as to reasonably ensure against the uncontrolled flow of oil, natural gas, brine or water.

Standard of
casing and
equipment

- (10) Casing and equipment shall be in good condition and of a thickness and strength adequate to withstand any fluid pressure to which they might normally be subjected.

Plugging of
abandoned
wells

- (11) Where practicable, all brine wells shall be plugged by the person operating them, before being abandoned, in a manner that will,
- (a) reasonably ensure that salt horizons and potential oil or natural gas producing horizons are protected; and
 - (b) retain water and brine in their original formations.

- (12) Before commencing to plug a brine well, the person proposing to carry out the plugging operations shall report the particulars thereof to the chief engineer in the prescribed form. ^{Report of proposed plugging}
- (13) Where a person plugs a brine well, he shall forward a record of the plugging in the prescribed form in duplicate to the chief engineer within thirty days of the completion of the plugging operations. 1961-62, c. 81, s. 604 (7-13). ^{Record of plugging operations}

FATAL ACCIDENTS

- 604.—(1) The manager or other person in charge of a mine or plant wherein or in connection wherewith a fatal accident occurs shall forthwith notify a coroner having jurisdiction in the place where the accident occurred. ^{Notice}
- (2) Where a fatal accident occurs in or in connection with a mine or plant, an inquest shall be held. ^{Inquest}
- (3) The engineer and any person authorized to act on his behalf are entitled to be present and to examine or cross-examine any witness at an inquest held concerning a death caused by an accident at a mine or plant, and, if the engineer or someone on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days notice of the time and place at which the evidence is to be taken. ^{Right of engineer re inquest}
- (4) Where, in or about a mine, plant, quarry, or sand, clay or gravel pit, an accident occurs that causes loss of life to a person employed thereat, the owner, agent, manager or superintendent thereof shall immediately notify the engineer resident in that part of Ontario in which the accident occurred and the chief engineer by telephone or telegraph. ^{Notice of fatal accidents}
- (5) Subject to subsection 6, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, destroy, carry away or alter the position of any wreckage, article or thing at the scene of or connected with the accident until the engineer has completed an investigation of the circumstances surrounding the accident. ^{Scene to be undisturbed}

Permission
to alter
scene

- (6) Where it is impossible for the engineer to make an immediate investigation of an accident, the chief engineer or engineer may permit the wreckage, article and things at the scene of or connected with the accident to be moved to such extent as is necessary to permit the work of the mine, plant, quarry, or sand, clay or gravel pit, to be proceeded with, if photographs or drawings showing details of the scene of the accident have been made prior to the moving. 1961-62, c. 81, s. 169, *amended*.

NON-FATAL ACCIDENTS

Notice

605. Where, in or about a mine, plant, quarry, or a sand, clay or gravel pit, an accident occurs that causes fracture or dislocation of any bones of the body, or any other injury that in the opinion of the attending physician may result in the injured person being incapacitated for work for at least one day, to a person employed therein, the owner, agent or manager shall within three days of the accident send notice in writing to the engineer resident in that part of Ontario in which the mine, plant, quarry or pit is situate on the form prescribed for such purpose. 1961-62, c. 81, s. 605, *amended*.

SPECIAL OCCURRENCES

Notice

- 606.—(1) Where, in or about a mine or plant,
- (a) an accident involving the hoist, sheaves, hoisting rope, shaft or winze conveyance, or shaft or winze timbering;
 - (b) an explosion or fire involving an air compressor, air receiver or compressed air line;
 - (c) an inrush of water from old workings or otherwise;
 - (d) a failure of an underground dam or bulkhead, as defined by subsection 1 of section 278;
 - (e) an outbreak of fire below ground or an outbreak of fire above ground if it endangers any structure of the mine plant;
 - (f) a premature or unexpected explosion or ignition of explosives or blasting agents;

- (g) an asphyxiation effecting a partial or total loss of physical control;
- (h) a flammable gas in the mine workings;
- (i) an unexpected and non-controlled extensive subsidence or caving of mine workings; or
- (j) an electrical equipment failure or incident which causes, or threatens to cause, injury to personnel or damage to major equipment or property,

occurs, whether or not loss of life or personal injury is caused thereby, the owner, agent or manager of the mine shall, within the twenty-four hours next after the occurrence, send notice in writing in duplicate to the engineer resident in that part of Ontario in which the mine or plant is situate and shall furnish, upon request, such particulars in respect thereof as the engineer requires.

- (2) Where, in or about a mine, an outbreak of fire occurs that endangers the health or safety of one or more persons and the services of the mine rescue stations are required, the manager shall immediately notify the mine rescue training officer and the district mining engineer resident in that part of Ontario in which the mine is situate. ^{Notice of fire and need of rescue equipment}
- (3) Where a rockburst occurs, whether or not loss of life or personal injury is caused thereby, and its location is determined as being within the workings of a mine, the manager of the mine shall, within the twenty-four hours next after the location of the burst has been determined, send notice in writing to the district mining engineer resident in that part of Ontario in which the mine is situate and shall furnish, upon request, such particulars with respect thereto as the engineer requires. ^{Rockburst}
- (4) A record of the occurrence of all rockbursts at a mine shall be kept, showing, as far as possible, the time, location, extent of the burst, any injury to persons and any other information pertaining to the burst, and such record shall be available to the district mining engineer at all times. 1961-62, c. 81, s. 606, *amended*. ^{Record of rockbursts}

OTHER NOTICES AND INFORMATION

Written
notice by
owner or
agent

607.—(1) The owner or agent of a mine or plant shall give or cause the manager to give to the chief engineer and to the district mining engineer resident in that part of Ontario in which the mine or plant is situate, written notice of,

- (a) (i) the intended installation of, including the specifications and layout of,
 - 1. any mine hoisting facilities,
 - 2. any power supply facilities, and
 - 3. any ore treatment facilities,
- (ii) the lot, concession and township on which the operations are to commence,
- (iii) the name and address of the person in charge;
- (b) the connection or reconnection of any mining electrical equipment with a source of electrical energy controlled by any other person, at least fourteen days prior to the connection or reconnection;
- (c) the commencement, or resumption after an interruption of one month or more, of mining operations, within fourteen days after the commencement or resumption; and
- (d) the closing down of the mine and that,
 - (i) the requirements of subsection 1 of section 168 as to the fencing of the top of the shaft, entrances from the surface, pits and openings,
 - (ii) the requirements of section 289 as to the disposal of explosives and blasting agents,
 - (iii) the requirements of section 351 as to the abandonment of a shaft compartment for hoisting purposes and as to the removal and disposition of hoisting ropes,

- (iv) the requirements of section 425 as to the disconnection of the supply station from the power source and notification of same to the chief engineer, and
- (v) the requirements of subsections 7 and 8 of section 609 as to the filing of plans and sections,

have been complied with within fourteen days of the closing down.

- (2) The owner, agent or manager of a mine or plant shall furnish to the engineer resident in that part of Ontario in which the mine or plant is situate all information that the engineer requires for the purposes of his returns. 1961-62, c. 81, s. 607, *amended*. ^{Information for engineer}

STATISTICAL RETURNS

- 608.—(1) For the purpose of their tabulation, under the instruction of the Minister, the owner, agent or manager of every mine, plant, pit, quarry or other works to which this Act applies shall, on or before the 31st day of March in every year, send to the Department on the forms supplied a correct return for the year that ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, the total amount of wages paid during the year, the quantity in standard weight of the minerals dressed and of the undressed mineral that has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister by regulation prescribes. ^{Statistical returns}
- (2) The owner, agent or manager of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year. ^{Monthly or quarterly returns}
 - (3) Every owner, agent or manager of a mine, plant, pit, quarry or other works who fails to comply with this section, or makes a return that is to his knowledge false in any particular, is guilty of an offence against this Act. 1961-62, c. 81, s. 608, *amended*. ^{Offence}

MINE OR PLANT PLANS

- 609.—(1) At every mine, the owner, agent or manager shall cause the following plans on a scale acceptable to the ^{Plans to be kept}

chief engineer to be kept up to a date not more than six months last past:

1. A surface plan showing the boundaries of the property, the co-ordinates of the section of property under which mining has been done, all lakes, streams, roads, railways, electric power transmission lines, main pipe lines, buildings, adits, open surface workings, diamond-drill holes, outcroppings of rock, dumps, tailings-disposal sites and shafts, the latter having been geographically located by connection with a survey on record with the Department.
2. The method of capping any opening shall be described on the plans referred to in item 1.
3. Underground plans of each level and section showing all underground workings, including shafts and tunnels, diamond-drill holes, dams and bulkheads, and each level plan shall be shown on a separate drawing.
4. Vertical mine sections at suitable intervals and at suitable azimuths, showing all shafts, tunnels, drifts, stopes and other mine workings in relation to the surface, including the location of the top of the bedrock, surface of the overburden and the bottom and surface of any known watercourse or body of water, and each section shall be shown on a separate drawing.
5. Adequate ventilation plans, showing the direction and volume of the main air currents, the location of permanent fans, ventilation doors and stoppings, and connections with adjacent mines.

Idem

- (2) The owner, agent or manager of every mine in which electricity is used underground shall keep or cause to be kept up to a date not more than six months last past an adequate plan or diagram showing on a suitable scale the following information:

1. The position of all fixed electrical apparatus in the mine.
2. The routes of all fixed power feeders and fixed branch feeders properly noted and referenced.

3. The rating of all electrical feeder control apparatus and equipment.
- (3) Such plans or diagrams shall be available to the ^{Idem} district electrical-mechanical engineer at all times and copies of the plans or diagrams shall be furnished him upon request.
- (4) On any examination or inspection of a mine or plant, ^{Plans to be available to engineer} the owner, agent or manager shall, if required, produce to the engineer or other person authorized by the Minister or the Deputy Minister all plans and sections of the workings referred to in subsections 1, 2 and 3.
- (5) The owner, agent or manager shall, if required by the ^{Marking subsequent progress on plan} engineer or other person authorized by the Minister or Deputy Minister, cause to be marked on such plans and sections the progress of the mine up to the time of the examination or inspection, and shall furnish him with a copy or tracing thereof.
- (6) A certified copy of the plans required by paragraph 3 ^{Plans of working mines to be filed} of subsection 1 and mine sections showing all shafts as required by paragraph 4 of subsection 1 shall be made and forwarded to the chief engineer on or before the 31st day of March in each year, showing the workings of the mine up to and including the 31st day of December next preceding.
- (7) Before a mine or part of a mine is abandoned, closed ^{Plans to be filed before abandonment} down or otherwise rendered inaccessible, all underground plans and sections referred to in paragraphs 3 and 4 of subsection 1 shall be brought up to date and two certified copies forwarded, one to the chief engineer, the other to the district mining engineer.
- (8) Before work at a mine ceases, the surface plan ^{Idem} referred to in paragraph 1 of subsection 1 showing all openings to underground workings shall be brought up to date and two certified copies forwarded, one to the chief engineer, the other to the district mining engineer.
- (9) The owner, agent or manager of every mine, plant, ^{Responsibility of owner} pit, quarry or other works to which this section applies is responsible for compliance with the provisions thereof and every owner, agent or manager or other person who fails to comply with any of the

provisions of this section, or who produces to an engineer or other authorized person, or files or causes to be produced or filed, a plan that to his knowledge is false in any particular is guilty of an offence against this Act.

Plans to be
treated as
confidential

- (10) Every such plan shall be treated as confidential information for the use of the officers of the Department and shall not be exhibited, nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine or plant. 1961-62, c. 81, s. 609, *amended*.

POWERS AND DUTIES OF ENGINEERS

Powers of
engineer

610.—(1) It is the duty of the engineer and he has power,

- (a) to make such examination and inquiry as he deems necessary to ascertain whether this Act is complied with, and to give notice to the owner, agent or manager in writing of any particulars in which he considers the mine or plant or any part thereof, or any matter, thing or practice, to be dangerous or defective or contrary to this Act, and to require the same to be remedied within the time named in the notice;
- (b) to enter, inspect and examine any mine or plant or any part thereof at any reasonable time by day or night, but so as not to unnecessarily impede or obstruct the working of the mine or plant;
- (c) to order the immediate cessation of work in and the departure of all persons from any mine or plant or part thereof that he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary; and
- (d) to exercise such other powers as he deems necessary for ensuring the health and safety of miners and all other persons employed in or about mines, plants, pits, quarries or other works.

Reports of
engineer

- (2) It is the duty of the engineer to make a report of every examination and inquiry made in the course of his duties during the year to the Minister, the Deputy Minister or the chief engineer, as required by

the circumstances, immediately upon the completion of the examination or inquiry. 1961-62, c. 81, s. 610, *amended*.

- 611.—(1) The Minister may direct an engineer to make a ^{Special report} special report with respect to any accident in or about a mine or plant that has caused the loss of life or injury to any person, or with respect to any condition in or about a mine or plant. 1961-62, c. 81, s. 611 (1), *amended*.
- (2) In conducting the inquiry, the engineer has power ^{Engineer may take evidence} to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. 1961-62, c. 81, s. 611 (2).
- 612.—(1) Non-compliance with a written order of the ^{Offence} engineer issued in accordance with section 610 shall be deemed an offence against this Part.
- (2) Failure to give written notice of the completion of ^{Idem} any work in accordance with a written order of the engineer issued under section 610 shall be deemed an offence against this Part. 1961-62, c. 81, s. 612.

3. Part XI of *The Mining Act*, as re-enacted by section 1 ^{R.S.O. 1960, c. 241, Pt. XI (1961-62, c. 81, s. 1), re-enacted} of *The Mining Amendment Act, 1961-62*, is repealed and the following substituted therefor:

PART XI

OFFENCES, PENALTIES AND PROSECUTIONS

- 620.—(1) Every person who, ^{Offences}
- (a) prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with this Act;
 - (b) performs or causes to be performed on any Crown lands, or on any lands where the mining rights are in the Crown, any boring by diamond or other core drill for the purpose of locating valuable mineral in place, except where such Crown lands or mining rights have been staked out and recorded as a mining claim in accordance with this Act;
 - (c) wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure,

writing or other mark lawfully placed, standing or made under this Act;

- (d) wilfully pulls down, injures or defaces any rules or notices posted up by the owner, agent or manager of a mine or plant;
- (e) wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty;
- (f) being the owner or agent of a mine, refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or inquiry in relation to a mine under this Act, other than Part IX;
- (g) unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim, or an area for a boring permit;
- (h) wilfully acts in contravention of this Act, other than Part IX or Part X, in any particular not hereinbefore set forth;
- (i) wilfully contravenes any provision of this Act or any regulation for the contravention of which no other penalty is provided;
- (j) wilfully makes any material change in the wording or numbering of a miner's licence after its issue; or
- (k) attempts to do any of the acts mentioned in the foregoing clauses,

is guilty of an offence against this Act and is liable to a fine of not more than \$20 for every day upon which the offence occurs or continues. 1961-62, c. 81, s. 620 (1), *amended*.

False
statements

- (2) Every person who knowingly makes a false statement in an application, certificate, report, statement or other document filed or made as required by or under this Act or the regulations is guilty of an offence and is liable to a fine of \$500 or to imprisonment for a term of not more than six months, or to both. 1961-62, c. 81, s. 620 (2).

621.—(1) No person shall construct or cause to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals that may result in the escape or release into the open air of sulphur, arsenic or other fumes in quantities that may injure trees or other vegetation unless and until the site of the plant has been approved by the Lieutenant Governor in Council. Smelters

(2) Every person who constructs or causes to be constructed a plant for the smelting, roasting, refining or other treatment of ores or minerals, without the approval of the Lieutenant Governor in Council, and sulphur, arsenic or other fumes escape or are released therefrom into the open air and injure trees or other vegetation is guilty of an offence and is liable to a fine of not more than \$1,000 for every day upon which such fumes escape or are released therefrom into the open air. 1961-62, c. 81, s. 621. Offence

622. Every person who wilfully neglects or refuses to obey any order or award of the Commissioner, except for the payment of money, is, in addition to any other liability, liable to a fine of not more than \$250 and, upon conviction thereof, is liable to imprisonment for a term of not more than six months unless the fine and costs are sooner paid. 1961-62, c. 81, s. 622. Disobeying
order or
award of
Commis-
sioner

623.—(1) No person who, Use of word
"Bureau"
prohibited

(a) carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company; or

(b) acts as broker or agent in or for the disposal of mines, mining claims, mining lands, or mining rights, or of any such shares, stocks or bonds; or

(c) offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and is liable to a fine of not more than \$20 for every day upon which Offence

the offence occurs or continues. 1961-62, c. 81, s. 623.

Interpre-
tation

624.—(1) In this section, the noun “mine” includes “plant” as defined in Part IX. *New.*

Penalty for
offence
against
Part IX

(2) An owner, agent or other person who contravenes any provision of Part IX is guilty of an offence and is liable to a fine of not more than \$1,000.

Additional
penalty for
continuing
offence

(3) Where the Deputy Minister or an engineer has given written notice to an owner or agent or a person engaged or employed in or about a mine that an offence has been committed against Part IX, such owner or agent or other person is liable to a further fine of not more than \$100 for every day upon which the offence continues after such notice.

Imprison-
ment

(4) An owner, agent or other person is, upon conviction, liable to imprisonment for a term of not more than three months unless the fine and costs are sooner paid.

Imprison-
ment of
offender
against
Part IX
in certain
cases

(5) Where the offence is one that might have endangered the safety of those employed in or about the mine or caused serious personal injury or a dangerous accident, and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX is, in addition to or in substitution for any fine that may be imposed, liable to imprisonment with or without hard labour for a term of not more than three months. 1961-62, c. 81, s. 624.

Instituting
prosecutions
for offences

625.—(1) No prosecution shall be instituted for an offence against Part IX or Part X or any regulation made in pursuance thereof except,

(a) by an engineer;

(b) by direction of the county or district Crown attorney; or

(c) by the leave in writing of the Minister of Justice and Attorney General,

or for an offence against any other provision of this Act or of any regulation made in pursuance thereof except,

(d) by or by leave of the Commissioner or a recorder;

(e) by direction of the county or district Crown attorney; or

(f) by leave of the Minister of Justice and Attorney General.

(2) No person not being the actual offender is liable in respect of such offence if he proves that he did not participate in the contravention of the provision for a breach of which he is charged and that he was not to blame for the breach and that according to his position and authority he took all reasonable means in his power to prevent the breach and to secure compliance with the provisions of Part IX or Part X.

(3) The burden of proving that the provisions of sections 172 to 596 have been suspended is upon the person charged with a contravention thereof and any such suspension may be proved by the evidence or certificate of an engineer. 1961-62, c. 81, s. 625.

626. Except as to offences against section 14, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a provincial judge or before the Commissioner, and, save as herein otherwise provided, *The Summary Convictions Act* applies to every such prosecution. 1961-62, c. 81, s. 626, amended.

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

5. This Act may be cited as *The Mining Amendment Act*, 1968-69 (No. 3).

An Act to amend The Mining Act

1st Reading

June 12th, 1969

2nd Reading

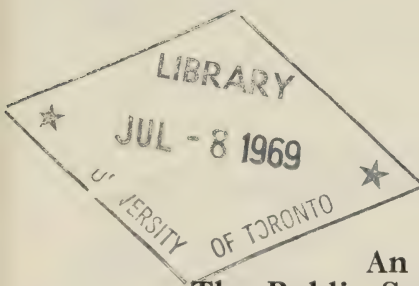
3rd Reading

Mr. LAWRENCE (St. George)

BILL 192

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend
The Public Service Superannuation Act

Mr. MacNAUGHTON

EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsections 2 and 3. In addition to its ordinary meaning, under certain circumstances a widow will include a surviving common-law wife of a contributor.

BILL 192

1968-69

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Public Service Superannuation Act* is amended by adding at the end thereof “and Minister of Economics”, so that the clause shall read as follows: R.S.O. 1960,
c. 332, s. 1,
cl. *h*,
amended

(*h*) “Treasurer” means the Treasurer of Ontario and Minister of Economics.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,
c. 332, s. 1,
amended

(*i*) “widow” includes a woman who,

- (i) establishes to the satisfaction of the Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and with whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by the contributor as his wife, or
- (ii) establishes to the satisfaction of the Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by the contributor as his wife, and that at the time of the death of the contributor, neither she nor the contributor was married to any other person.

R.S.O. 1960,
c. 332, s. 1,
amended

(3) The said section 1 is further amended by adding thereto the following subsection:

When
common-law
wife deemed
married to
contributor

- (2) For the purposes of this Act, a woman who has established to the satisfaction of the Board that she is a widow under subclause i or ii of clause *i* of subsection 1 shall, if the Board so directs, be deemed to have become married to the contributor at such time as she commenced being represented by him as his wife, and a woman who could establish that she is a widow under subclause i or ii of clause *i* of subsection 1 but for her marriage to a contributor after such time as she commenced being represented by him as his wife shall, if the Board so directs, be deemed to have become married to the contributor at the time when, in fact, she commenced being so represented.

R.S.O. 1960,
c. 332, s. 6,
amended

2. Section 6 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Where
payment for
such service
not paid in
reasonable
time

- (4) This section does not apply where a person does not agree to pay on terms satisfactory to the Board the amount he elected to pay under this section or where the person does not pay the amount he elected to pay under this section together with interest upon such amount within such reasonable time as the Board may determine.

R.S.O. 1960,
c. 332, s. 10,
subs. 1,
re-enacted

3. Subsection 1 of section 10 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 8 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

Disability
allowance

- (1) Every contributor who,
- (a) has contributed to the Fund in respect of a period of ten or more years; and
 - (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity,

is entitled to a disability allowance upon termination of his service.

R.S.O. 1960,
c. 332, s. 11
(1966,
c. 131, s. 9),
subs. 2,
re-enacted

4. Subsection 2 of section 11 of *The Public Service Superannuation Act*, as re-enacted by section 9 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

SECTION 2. Under section 6, a contributor has the option to contribute into the Fund in respect of past services. The amendment is for clarification purposes and it provides that if payment is not made within such time as the Board deems reasonable, the contributor will lose his option.

SECTION 3. The amendment removes the requirement that in order to receive a disability allowance under section 10 of the Act, the contributor be retired by the Lieutenant Governor in Council.

SECTION 4. The amendment clarifies at what age deferred annuities will be payable to those former contributors who have contributions locked in the Fund.

SECTION 5. The amendment provides that an allowance or annuity will not be suspended in cases where the recipient is re-employed by the Crown and works for a period of not more than 100 days in a year. Prior to this amendment, the maximum number of days permitted was thirty.

SECTION 6. The amendment removes the requirement that a contributor who has been found unable to perform his duties and ceases to be employed in circumstances under which he is not entitled to receive a disability allowance or an annuity must be retired by the Lieutenant Governor in Council in order to receive twice his contributions with interest.

SECTION 7—Subsection 1. The amendment provides that the Board shall decide whether a widower of a contributor was permanently incapacitated and wholly supported by her at the time of her death.

- (2) Every former contributor who has contributions ^{Idem} locked in under subsection 2 of section 17 and who is not entitled to a payment under subsection 3 of section 17 is entitled to a deferred annuity commencing,

(a) when he attains the age of sixty years if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966; or

(b) when he attains the age of sixty-five years.

5. Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 14 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "100", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 332, s. 16, subs. 1 (1966, c. 131, s. 14), amended}

- (1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown and works for a period of more than 100 days in any one year, any allowance or annuity to which he is entitled during such re-employment or engagement shall not be paid in respect of such period. ^{Re-employment}

6. Clause *b* of section 18 of *The Public Service Superannuation Act*, as re-enacted by section 16 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "is retired by the Lieutenant Governor in Council" in the third and fourth lines and inserting in lieu thereof "and whose service is terminated", so that the clause shall read as follows: ^{R.S.O. 1960, c. 332, s. 18 (1966, c. 131, s. 16), amended}

- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he is not entitled to a disability allowance or annuity; or

7.—(1) Clause *a* of subsection 8 of section 20 of *The Public Service Superannuation Act*, as re-enacted by section 18 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 332, s. 20 (1966, c. 131, s. 18), subs. 8, cl. a, re-enacted}

- (a) if, in the opinion of the Board, he was permanently incapacitated and wholly or substantially supported by her at the time of her death; and

R.S.O. 1960,
c. 332, s. 20
(1966,
c. 131, s. 18),
subs. 10,
repealed

(2) Subsection 10 of the said section 20 is repealed.

R.S.O. 1960,
c. 332, s. 21,
re-enacted

8. Section 21 of *The Public Service Superannuation Act*

is repealed and the following substituted therefor:

Payment of
allowances
and
annuities

21. Allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments.

R.S.O. 1960,
c. 332, s. 27,
amended

9. Section 27 of *The Public Service Superannuation Act*, as amended by section 12 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by inserting after "permanent" in the first line "and full-time probationary", so that the section shall read as follows:

Boards,
commissions

27. This Part applies to the permanent and full-time probationary staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council.

R.S.O. 1960,
c. 332, s. 28,
subs. 1,
amended

10.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the sixth and seventh lines and in the eighth and ninth lines, so that the subsection shall read as follows:

Arrangement
for payment,
out of
Fund into
another
super-
annuation
fund

(1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

R.S.O. 1960,
c. 332, s. 28,
subs. 2,
amended

(2) Subsection 2 of the said section 28, as amended by subsection 2 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the seventh and eighth lines, so that the subsection shall read as follows:

Subsection 2. Subsection 10 of section 20 is repealed and incorporated as part of section 21 of the Act.

SECTION 8. Subsection 10 of section 20 and section 21 are combined so that all allowances and annuities will not commence to be paid until the first day of the month following the month in which the contributor retires.

SECTION 9. The amendment extends contributory privileges to probationary as well as permanent employees of boards, commissions or foundations whose employees contribute to the Fund.

SECTION 10—Subsections 1 and 2. The approval of the Lieutenant Governor in Council will no longer be required to permit transfers of contributions into or out of the Fund.

Subsection 3. The reference to subsection 2 of section 11 of the Act is no longer relevant.

SECTION 11. The amendment will permit a former contributor to reinstate his superannuation account provided he is re-employed within six months after terminating his employment with the Crown.

SECTION 12. The amendment provides that the Provincial Auditor shall make his annual report to the Treasurer who in turn will submit it to the Lieutenant Governor in Council. Previously, the annual report of the Provincial Auditor was made to the Lieutenant Governor in Council directly.

- (2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined.

(3) Subsection 4 of the said section 28, as enacted by section 11 of *The Public Service Superannuation Amendment Act, 1961-62*, is amended by striking out "without regard to subsection 2 of section 11" in the ninth and tenth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 332, s. 28,
subs. 4
(1961-62,
c. 122, s. 11),
amended

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 10 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund.

Idem

11. *The Public Service Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 332,
amended

28a.—(1) A contributor who resigns or otherwise terminates his service and who is re-employed within six months from the date of his resignation or termination of service and who again becomes a contributor, may reinstate his account in the Fund.

Reinstatement when re-employed within six months

- (2) Where a contributor who elects to reinstate his account under subsection 1 has withdrawn his prior contributions with interest thereon, he shall pay into the Fund, the total amount withdrawn together with interest thereon calculated at the rate of 5 per cent per annum compounded annually from the date of the withdrawal of his contributions from the Fund to the date of payment into the Fund.

Where prior contributions withdrawn

12. Section 35 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 35
(1965,
c. 111, s. 6),
re-enacted

- Audit 35. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
- Commence- **13.**—(1) This Act, except sections 4, 5 and 8, comes into
ment force on the day it receives Royal Assent.
- Idem (2) Section 4 shall be deemed to have come into force on the 1st day of January, 1966.
- Idem (3) Section 5 shall be deemed to have come into force on the 1st day of September, 1968.
- Idem (4) Section 8 comes into force on the 1st day of January, 1970.
- Short title **14.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1968-69*.

An Act to amend The Public
Service Superannuation Act

1st Reading

June 17th, 1969

2nd Reading

3rd Reading

MR. MACNAUGHTON

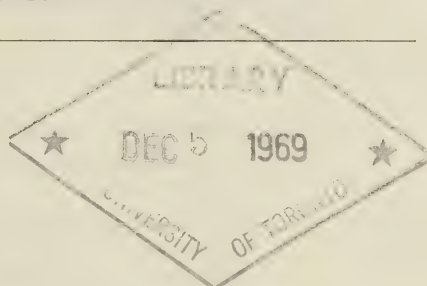
BILL 192

56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend
The Public Service Superannuation Act

MR. MACNAUGHTON



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsections 2 and 3. In addition to its ordinary meaning, under certain circumstances a widow will include a surviving common-law wife of a contributor.

BILL 192

1968-69

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Public Service Superannuation Act* is amended by adding at the end thereof “and Minister of Economics”, so that the clause shall read as follows: R.S.O. 1960,
c. 332, s. 1,
cl. *h*,
amended

(*h*) “Treasurer” means the Treasurer of Ontario and Minister of Economics.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,
c. 332, s. 1,
amended

(*i*) “widow” includes a woman who,

- (i) establishes to the satisfaction of the Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and with whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by the contributor as his wife, or
- (ii) establishes to the satisfaction of the Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by the contributor as his wife, and that at the time of the death of the contributor, neither she nor the contributor was married to any other person.

R.S.O. 1960,
c. 332, s. 1,
amended

(3) The said section 1 is further amended by adding thereto the following subsection:

When
common-law
wife deemed
married to
contributor

- (2) For the purposes of this Act, a woman who has established to the satisfaction of the Board that she is a widow under subclause i or ii of clause *i* of subsection 1 shall, if the Board so directs, be deemed to have become married to the contributor at such time as she commenced being represented by him as his wife, and a woman who could establish that she is a widow under subclause i or ii of clause *i* of subsection 1 but for her marriage to a contributor after such time as she commenced being represented by him as his wife shall, if the Board so directs, be deemed to have become married to the contributor at the time when, in fact, she commenced being so represented.

R.S.O. 1960,
c. 332, s. 6,
amended

2. Section 6 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Where
payment for
such service
not paid in
reasonable
time

- (4) This section does not apply where a person does not agree to pay on terms satisfactory to the Board the amount he elected to pay under this section or where the person does not pay the amount he elected to pay under this section together with interest upon such amount within such reasonable time as the Board may determine.

R.S.O. 1960,
c. 332, s. 10,
subs. 1,
re-enacted

3. Subsection 1 of section 10 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 8 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

Disability
allowance

(1) Every contributor who,

- (a) has contributed to the Fund in respect of a period of ten or more years; and
- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity,

is entitled to a disability allowance upon termination of his service.

R.S.O. 1960,
c. 332, s. 11
(1966, s. 9),
c. 131, s. 9),
subs. 2,
re-enacted

4. Subsection 2 of section 11 of *The Public Service Superannuation Act*, as re-enacted by section 9 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

SECTION 2. Under section 6, a contributor has the option to contribute into the Fund in respect of past services. The amendment is for clarification purposes and it provides that if payment is not made within such time as the Board deems reasonable, the contributor will lose his option.

SECTION 3. The amendment removes the requirement that in order to receive a disability allowance under section 10 of the Act, the contributor be retired by the Lieutenant Governor in Council.

SECTION 4. The amendment clarifies at what age deferred annuities will be payable to those former contributors who have contributions locked in the Fund.

SECTION 5. The amendment provides that an allowance or annuity will not be suspended in cases where the recipient is re-employed by the Crown and works for a period of not more than 130 days in a year. Prior to this amendment, the maximum number of days permitted was thirty.

SECTION 6. The amendment removes the requirement that a contributor who has been found unable to perform his duties and ceases to be employed in circumstances under which he is not entitled to receive a disability allowance or an annuity must be retired by the Lieutenant Governor in Council in order to receive twice his contributions with interest.

SECTION 7—Subsection 1. The amendment provides that the Board shall decide whether a widower of a contributor was permanently incapacitated and wholly supported by her at the time of her death.

- (2) Every former contributor who has contributions^{Idem} locked in under subsection 2 of section 17 and who is not entitled to a payment under subsection 3 of section 17 is entitled to a deferred annuity commencing,

- (a) when he attains the age of sixty years if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966; or
- (b) when he attains the age of sixty-five years.

5. Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 14 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "100", so that the subsection shall read as follows:

R.S.O. 1960,
c. 332, s. 16,
subs. 1
(1966,
c. 131, s. 14),
amended

- (1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown and works for a period of more than 130 days in any one year, any allowance or annuity to which he is entitled during such re-employment or engagement shall not be paid in respect of such period.

Re-employment

6. Clause *b* of section 18 of *The Public Service Superannuation Act*, as re-enacted by section 16 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "is retired by the Lieutenant Governor in Council" in the third and fourth lines and inserting in lieu thereof "and whose service is terminated", so that the clause shall read as follows:

R.S.O. 1960,
c. 332, s. 18
(1966,
c. 131, s. 16),
cl. b,
amended

- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he is not entitled to a disability allowance or annuity; or

7.—(1) Clause *a* of subsection 8 of section 20 of *The Public Service Superannuation Act*, as re-enacted by section 18 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 20
(1966,
c. 131, s. 18),
subs. 8,
cl. a,
re-enacted

- (a) if, in the opinion of the Board, he was permanently incapacitated and wholly or substantially supported by her at the time of her death; and

R.S.O. 1960,
c. 332, s. 20
(1966,
c. 131, s. 18),
subs. 10,
repealed

(2) Subsection 10 of the said section 20 is repealed.

R.S.O. 1960,
c. 332, s. 21,
re-enacted

8. Section 21 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Payment of
allowances
and
annuities

21. Allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments.

R.S.O. 1960,
c. 332, s. 27,
amended

9. Section 27 of *The Public Service Superannuation Act*, as amended by section 12 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by inserting after "permanent" in the first line "and full-time probationary", so that the section shall read as follows:

Boards,
commissions

27. This Part applies to the permanent and full-time probationary staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council.

R.S.O. 1960,
c. 332, s. 28,
subs. 1,
amended

10.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the sixth and seventh lines and in the eighth and ninth lines, so that the subsection shall read as follows:

Arrangement
for payment,
out of
Fund into
another
super-
annuation
fund

(1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

R.S.O. 1960,
c. 332, s. 28,
subs. 2,
amended

(2) Subsection 2 of the said section 28, as amended by subsection 2 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the seventh and eighth lines, so that the subsection shall read as follows:

Subsection 2. Subsection 10 of section 20 is repealed and incorporated as part of section 21 of the Act.

SECTION 8. Subsection 10 of section 20 and section 21 are combined so that all allowances and annuities will not commence to be paid until the first day of the month following the month in which the contributor retires.

SECTION 9. The amendment extends contributory privileges to probationary as well as permanent employees of boards, commissions or foundations whose employees contribute to the Fund.

SECTION 10—Subsections 1 and 2. The approval of the Lieutenant Governor in Council will no longer be required to permit transfers of contributions into or out of the Fund.

Subsection 3. The reference to subsection 2 of section 11 of the Act is no longer relevant.

SECTION 11. The amendment will permit a former contributor to reinstate his superannuation account provided he is re-employed within six months after terminating his employment with the Crown.

SECTION 12. The amendment provides that the Provincial Auditor shall make his annual report to the Treasurer who in turn will submit it to the Lieutenant Governor in Council. Previously, the annual report of the Provincial Auditor was made to the Lieutenant Governor in Council directly.

- (2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined.

(3) Subsection 4 of the said section 28, as enacted by section 11 of *The Public Service Superannuation Amendment Act, 1961-62*, is amended by striking out "without regard to subsection 2 of section 11" in the ninth and tenth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 332, s. 28,
subs. 4
(1961-62,
c. 122, s. 11),
amended

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 10 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund.

Idem

11. *The Public Service Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 332,
amended

28a.—(1) A contributor who resigns or otherwise terminates his service and who is re-employed within six months from the date of his resignation or termination of service and who again becomes a contributor, may reinstate his account in the Fund.

Reinstatement when re-employed within six months

- (2) Where a contributor who elects to reinstate his account under subsection 1 has withdrawn his prior contributions with interest thereon, he shall pay into the Fund, the total amount withdrawn together with interest thereon calculated at the rate of 5 per cent per annum compounded annually from the date of the withdrawal of his contributions from the Fund to the date of payment into the Fund.

Where prior contributions withdrawn

12. Section 35 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 35
(1965,
c. 111, s. 6),
re-enacted

Audit

35. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

13.—(1) This Act, except sections 4, 5 and 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 1st day of January, 1966.

Idem

(3) Section 5 shall be deemed to have come into force on the 1st day of September, 1968.

Idem

(4) Section 8 comes into force on the 1st day of January, 1970.

Short title

14. This Act may be cited as *The Public Service Superannuation Amendment Act, 1968-69*.

An Act to amend The Public
Service Superannuation Act

1st Reading

June 17th, 1969

2nd Reading

November 12th, 1969

3rd Reading

MR. MACNAUGHTON

*(Reprinted as amended by the Committee of
the Whole House)*

BILL 192

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Public Service Superannuation Act**

MR. MACNAUGHTON

BILL 192

1968-69

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Public Service Superannuation Act* is amended by adding at the end thereof “and Minister of Economics”, so that the clause shall read as follows: R.S.O. 1960,
c. 332, s. 1,
cl. *h*,
amended

(*h*) “Treasurer” means the Treasurer of Ontario and Minister of Economics.

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,
c. 332, s. 1,
amended

(*i*) “widow” includes a woman who,

(i) establishes to the satisfaction of the Board that she had, for a period of not less than seven years immediately prior to the death of a contributor with whom she had been residing and with whom by law she was prohibited from marrying by reason of a previous marriage either of the contributor or of herself to another person, been maintained and publicly represented by the contributor as his wife, or

(ii) establishes to the satisfaction of the Board that she had, for a number of years immediately prior to the death of a contributor with whom she had been residing, been maintained and publicly represented by the contributor as his wife, and that at the time of the death of the contributor, neither she nor the contributor was married to any other person.

R.S.O. 1960,
c. 332, s. 1,
amended

(3) The said section 1 is further amended by adding thereto the following subsection:

When
common-law
wife deemed
married to
contributor

- (2) For the purposes of this Act, a woman who has established to the satisfaction of the Board that she is a widow under subclause i or ii of clause *i* of subsection 1 shall, if the Board so directs, be deemed to have become married to the contributor at such time as she commenced being represented by him as his wife, and a woman who could establish that she is a widow under subclause i or ii of clause *i* of subsection 1 but for her marriage to a contributor after such time as she commenced being represented by him as his wife shall, if the Board so directs, be deemed to have become married to the contributor at the time when, in fact, she commenced being so represented.

R.S.O. 1960,
c. 332, s. 6,
amended

2. Section 6 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Where
payment for
such service
not paid in
reasonable
time

- (4) This section does not apply where a person does not agree to pay on terms satisfactory to the Board the amount he elected to pay under this section or where the person does not pay the amount he elected to pay under this section together with interest upon such amount within such reasonable time as the Board may determine.

R.S.O. 1960,
c. 332, s. 10,
subs. 1,
re-enacted

3. Subsection 1 of section 10 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 8 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

Disability
allowance

- (1) Every contributor who,

- (a) has contributed to the Fund in respect of a period of ten or more years; and
- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity,

is entitled to a disability allowance upon termination of his service.

R.S.O. 1960,
c. 332, s. 11
(1966,
c. 131, s. 9),
subs. 2,
re-enacted

4. Subsection 2 of section 11 of *The Public Service Superannuation Act*, as re-enacted by section 9 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor:

- (2) Every former contributor who has contributions ^{Idem} locked in under subsection 2 of section 17 and who is not entitled to a payment under subsection 3 of section 17 is entitled to a deferred annuity commencing,

(a) when he attains the age of sixty years if he has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966; or

(b) when he attains the age of sixty-five years.

5. Subsection 1 of section 16 of *The Public Service Superannuation Act*, as re-enacted by section 14 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "100", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 332, s. 16, subs. 1 (1966, c. 131, s. 14), amended}

- (1) Where a former contributor is, in the opinion of the Board, re-employed or engaged in any capacity in the service of the Crown and works for a period of more than 130 days in any one year, any allowance or annuity to which he is entitled during such re-employment or engagement shall not be paid in respect of such period. ^{Re-employment}

6. Clause *b* of section 18 of *The Public Service Superannuation Act*, as re-enacted by section 16 of *The Public Service Superannuation Amendment Act, 1966*, is amended by striking out "is retired by the Lieutenant Governor in Council" in the third and fourth lines and inserting in lieu thereof "and whose service is terminated", so that the clause shall read as follows: ^{R.S.O. 1960, c. 332, s. 18 (1966, c. 131, s. 16) amended}

- (b) is found by the Board to be unable to perform his duties by reason of mental or physical incapacity and whose service is terminated in circumstances under which he is not entitled to a disability allowance or annuity; or

7.—(1) Clause *a* of subsection 8 of section 20 of *The Public Service Superannuation Act*, as re-enacted by section 18 of *The Public Service Superannuation Amendment Act, 1966*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 332, s. 20 (1966, c. 131, s. 18), subs. 8, cl. a, re-enacted}

- (a) if, in the opinion of the Board, he was permanently incapacitated and wholly or substantially supported by her at the time of her death; and

R.S.O. 1960,
c. 332, s. 20
(1966,
c. 131, s. 18),
subs. 10,
repealed

(2) Subsection 10 of the said section 20 is repealed.

R.S.O. 1960,
c. 332, s. 21,
re-enacted

8. Section 21 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Payment of
allowances
and
annuities

21. Allowances and annuities shall commence on the first day of the month next following the month during which the entitlement thereto occurred and shall be paid in monthly instalments.

R.S.O. 1960,
c. 332, s. 27,
amended

9. Section 27 of *The Public Service Superannuation Act*, as amended by section 12 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by inserting after "permanent" in the first line "and full-time probationary", so that the section shall read as follows:

Boards,
commissions

27. This Part applies to the permanent and full-time probationary staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council.

R.S.O. 1960,
c. 332, s. 28,
subs. 1,
amended

10.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act*, as amended by subsection 1 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the sixth and seventh lines and in the eighth and ninth lines, so that the subsection shall read as follows:

Arrangement
for payment,
out of
Fund into
another
super-
annuation
fund

(1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board determines, with interest at such rate as the Board determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

R.S.O. 1960,
c. 332, s. 28,
subs. 2,
amended

(2) Subsection 2 of the said section 28, as amended by subsection 2 of section 13 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the seventh and eighth lines, so that the subsection shall read as follows:

- (2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined.

(3) Subsection 4 of the said section 28, as enacted by section 11 of *The Public Service Superannuation Amendment Act, 1961-62*, is amended by striking out "without regard to subsection 2 of section 11" in the ninth and tenth lines, so that the subsection shall read as follows:

R.S.O. 1960,
c. 332, s. 28,
subs. 4
(1961-62,
c. 122, s. 11)
amended

- (4) An agreement entered into under subsection 3 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance under section 10 or 20, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance shall then be computed upon the service for which contributions have been made to the Fund.

11. *The Public Service Superannuation Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 332,
amended

28a.—(1) A contributor who resigns or otherwise terminates his service and who is re-employed within six months from the date of his resignation or termination of service and who again becomes a contributor, may reinstate his account in the Fund.

Reinstatement when
re-employed
within six
months

- (2) Where a contributor who elects to reinstate his account under subsection 1 has withdrawn his prior contributions with interest thereon, he shall pay into the Fund, the total amount withdrawn together with interest thereon calculated at the rate of 5 per cent per annum compounded annually from the date of the withdrawal of his contributions from the Fund to the date of payment into the Fund.

Where prior
contributions
withdrawn

12. Section 35 of *The Public Service Superannuation Act*, as re-enacted by section 6 of *The Public Service Superannuation Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 332, s. 35
(1965,
c. 111, s. 6)
re-enacted

- Audit** 35. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Treasurer, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
- Commence-
ment** **13.**—(1) This Act, except sections 4, 5 and 8, comes into force on the day it receives Royal Assent.
- Idem** (2) Section 4 shall be deemed to have come into force on the 1st day of January, 1966.
- Idem** (3) Section 5 shall be deemed to have come into force on the 1st day of September, 1968.
- Idem** (4) Section 8 comes into force on the 1st day of January, 1970.
- Short title** **14.** This Act may be cited as *The Public Service Superannuation Amendment Act, 1968-69*.

An Act to amend The Public
Service Superannuation Act
1966
Publications

1st Reading

June 17th, 1969

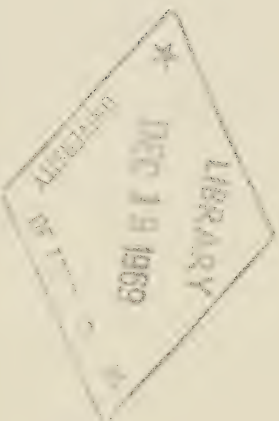
2nd Reading

November 12th, 1969

3rd Reading

November 26th, 1969

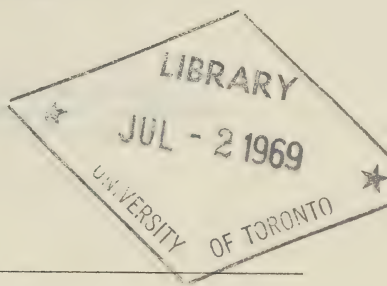
MR. MACNAUGHTON



BILL 193

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Upholstered
and Stuffed Articles Act, 1968**



Mr. ROWNTREE

EXPLANATORY NOTE

The Bill amends the Act by revising the registration procedures and vesting in The Commercial Registration Appeal Tribunal all hearings concerning registration, with appeals to the Court of Appeal.

BILL 193

1968-69

An Act to amend The Upholstered and Stuffed Articles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act, 1968* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

(a) "Department" means the Department of Financial and Commercial Affairs;

.

(ba) "Minister" means the Minister of Financial and Commercial Affairs;

.

(da) "registered" means registered under this Act;

.

(ja) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

2. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section:

2a.—(1) There shall be a Registrar of Upholstered and Stuffed Articles who shall be appointed by the Lieutenant Governor in Council.

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

1968,
c. 140, s. 4,
subs. 2,
re-enacted

3. Subsection 2 of section 4 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

Refusal of
registration

(2) The Registrar may refuse to grant registration where,

(a) the applicant;

(b) a member of the applicant, where the applicant is an association or partnership;

(c) an officer or director of the applicant, where the applicant is a corporation,

was a registrant, or member, officer or director of a registrant, whose registration has been cancelled, unless the Registrar is satisfied that material circumstances have changed.

1968,
c. 140, s. 5,
repealed

4. Section 5 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 6,
subs. 1,
repealed

5. Subsection 1 of section 6 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 7,
amended

6.—(1) Section 7 of *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following subsection:

Request to
indicate
nature of
inquiry

(1a) The request under subsection 1 shall indicate the general nature of the inquiry involved.

1968,
c. 140, s. 7,
subs. 2,
amended

(2) Subsection 2 of the said section 7 is amended by striking out "of and shall be given free access to the books, documents, records and premises of any registrant" in the third, fourth and fifth lines and inserting in lieu thereof "in relation to the complaint", so that the subsection shall read as follows:

Idem

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time make an inspection in relation to the complaint.

1968, c. 140,
amended

7. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections:

Inspection

7a. Where the Registrar has reasonable and probable grounds to believe that any person is acting as a manufacturer or renovator while unregistered, the Registrar or any person designated by him in writing,

may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

7b.—(1) Upon an inspection under section 7 or 7a, the person inspecting, ^{Powers on inspection}

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. ^{Admissibility of copies}

8. Section 8 of *The Upholstered and Stuffed Articles Act*, ^{1968,} 1968 is repealed and the following substituted therefor: ^{c. 140, s. 8, re-enacted}

8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing. ^{Suspension and revocation}

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. ^{Voluntary cancellation}

9. Sections 9, 10, 11, 12 and 13 of *The Upholstered and Stuffed Articles Act*, 1968 are repealed and the following substituted therefor: ^{1968, c. 140, ss. 9-13, re-enacted}

Hearing by
Tribunal

9.—(1) Where the Registrar refuses to issue a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of
hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

10.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjourn-
ment

11.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

- (3) The Tribunal may require any person, Oaths

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.

- (4) The Tribunal may admit evidence not given under Idem
oath.

- (5) Any person who, without lawful excuse, Offences

- (a) on being duly summoned as a witness before the Tribunal, makes default in attending;
- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

- (6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. Enforcement

12. Any party may be represented before the Tribunal by counsel or agent. Right of party to counsel

- 13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

Exclusion
of counsel

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Right of
parties at
hearing

- 13a. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings
to be open
to public;
exceptions

- 13b.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

- (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Release of
exhibits

- 13c. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined.

Specialized
knowledge

- 13d.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents
and service
of notice

- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties.

Record

- 13e. All oral evidence received by the Tribunal shall be taken down in writing and together with,

(a) the notice of hearing;

(b) any rulings or orders made in the course of the proceedings of the Tribunal;

(c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,

form the record.

13f.—(1) The Tribunal may, after the hearing,

Decision of
Tribunal

(a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar; or

(b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Decision
to be in
writing

(3) The reasons for the final decision shall contain,

Contents of
reasons for
decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Notice of
decision

13g. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court

Enforce-
ment
of decisions

whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to
Court of
Appeal

13*h*.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision
of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final.

Stay

13*i*. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final.

1968, c. 140,
s. 19,
subs. 3,
amended

10.—(1) Subsection 3 of section 19 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Director" in the second line and in the third line and inserting in lieu thereof in each instance "Tribunal" and by adding at the end thereof "and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*", so that the subsection shall read as follows:

Appeal

(3) Where a person deems himself aggrieved by an order under subsection 2, he may appeal therefrom to the Tribunal by filing with the Tribunal a notice of appeal within five days after service of the order appealed against, and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*.

(2) Subsection 5 of the said section 19 is amended by ^{1968, c. 140, s. 19, subs. 5, amended} striking out "Director" in the second line and in the fourth line and inserting in lieu thereof in each instance "Tribunal".

11. Section 23 of *The Upholstered and Stuffed Articles Act*, ^{1968, c. 140, s. 23, repealed} 1968 is repealed.

12. *The Upholstered and Stuffed Articles Act, 1968* is ^{1968, c. 140, amended} amended by adding thereto the following sections:

24a.—(1) Any notice or order required to be given or ^{Service} served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

(2) Where service is made by registered mail, the ^{Idem} service shall be deemed to be made on the third day after the day of mailing.

(3) Notwithstanding subsections 1 and 2, the Tribunal ^{Exception} may order any other method of service in respect of any matter before the Tribunal.

24b.—(1) Where it appears to the Director that any ^{Restraining orders} person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an ^{Appeal} order made under subsection 1.

13.—(1) Subsection 3 of section 25 of *The Upholstered and Stuffed Articles Act, 1968* is ^{1968, c. 140, s. 25, subs. 3, amended} amended by striking out "three" in the second line and inserting in lieu thereof "two", so that the subsection shall read as follows:

(3) No proceeding under clause *a* or *b* of subsection 1 ^{Limitation} shall be instituted more than two years after the time when the subject-matter of the proceeding arose.

1968, c. 140,
s. 25,
subs. 4,
amended

(2) Subsection 4 of the said section 25 is amended by striking out "Registrar" in the fourth line and inserting in lieu thereof "Director".

1968,
c. 140, s. 27,
amended

14. Section 27 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Registrar" in the eleventh line and in the twelfth line and inserting in lieu thereof in each instance "Director".

1968, c. 140,
s. 28, cl. a,
re-enacted

15.—(1) Clause *a* of section 28 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

(a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

1968,
c. 140, s. 28,
amended

(2) The said section 28 is amended by adding thereto the following clauses:

(i) requiring registrants to make returns and furnish information to the Registrar;

(j) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;

(k) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(l) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

Commence-
ment

16. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

17. This Act may be cited as *The Upholstered and Stuffed Articles Amendment Act, 1968-69*.

An Act to amend The Upholstered
and Stuffed Articles Act, 1968

1st Reading

June 17th, 1969

2nd Reading

•

3rd Reading

MR. ROWNTREE

BILL 193

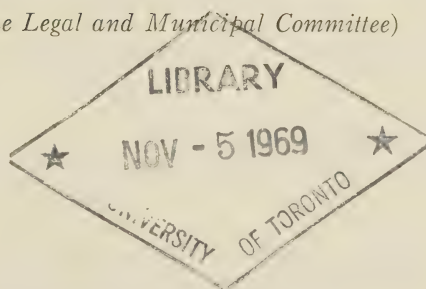
56

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Upholstered
and Stuffed Articles Act, 1968**

MR. ROWNTREE

(Reprinted as amended by the Legal and Municipal Committee)



TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill amends the Act by revising the registration procedures and vesting in The Commercial Registration Appeal Tribunal all hearings concerning registration, with appeals to the Court of Appeal.

BILL 193

1968-69

An Act to amend The Upholstered and Stuffed Articles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act, 1968* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses:

1968,
c. 140, s. 1,
subs. 1,
amended

(a) "Department" means the Department of Financial and Commercial Affairs;

.

(ba) "Minister" means the Minister of Financial and Commercial Affairs;

.

(da) "registered" means registered under this Act;

.

(ja) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*.

1966, c. 41

2. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section:

1968, c. 140,
amended

2a.—(1) There shall be a Registrar of Upholstered and Stuffed Articles who shall be appointed by the Lieutenant Governor in Council.

Registrar

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Duties of
Registrar

1968,
c. 140, s. 4,
subs. 2,
re-enacted

3. Subsection 2 of section 4 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

Refusal of
registration

(2) The Registrar may refuse to grant registration where,

(a) the applicant;

(b) a member of the applicant, where the applicant is an association or partnership;

(c) an officer or director of the applicant, where the applicant is a corporation,

was a registrant, or member, officer or director of a registrant, whose registration has been cancelled, unless the Registrar is satisfied that material circumstances have changed.

1968,
c. 140, s. 5,
repealed

4. Section 5 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 6,
subs. 1,
repealed

5. Subsection 1 of section 6 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 7,
amended

6.—(1) Section 7 of *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following subsection:

Request to
indicate
nature of
inquiry

(1a) The request under subsection 1 shall indicate the general nature of the inquiry involved.

1968,
c. 140, s. 7,
subs. 2,
amended

(2) Subsection 2 of the said section 7 is amended by striking out "of and shall be given free access to the books, documents, records and premises of any registrant" in the third, fourth and fifth lines and inserting in lieu thereof "in relation to the complaint", so that the subsection shall read as follows:

Idem

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time make an inspection in relation to the complaint.

1968, c. 140,
amended

7. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections:

Inspection

7a. Where the Registrar has reasonable and probable grounds to believe that any person is acting as a manufacturer or renovator while unregistered, the Registrar or any person designated by him in writing,

may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

7b.—(1) Upon an inspection under section 7 or 7a, the person inspecting, ^{Powers on inspection}

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. ^{Admissibility of copies}

8. Section 8 of *The Upholstered and Stuffed Articles Act*, 1968 is repealed and the following substituted therefor: ^{1968, c. 140, s. 8, re-enacted}

8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing. ^{Suspension and revocation}

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. ^{Voluntary cancellation}

9. Sections 9, 10, 11, 12 and 13 of *The Upholstered and Stuffed Articles Act*, 1968 are repealed and the following substituted therefor: ^{1968, c. 140, ss. 9-13, re-enacted}

Hearing by
Tribunal

9.—(1) Where the Registrar refuses to issue a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of
hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

10.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjourn-
ment

11.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

(3) The Tribunal may require any person, Oaths

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things as the Tribunal requires.

(4) The Tribunal may admit evidence not given under Idem
oath.

(5) Any person who, without lawful excuse, Offences

(a) on being duly summoned as a witness before the Tribunal, makes default in attending;

(b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or

(c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 6.

(6) The Tribunal may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. Enforcement

12. Any party may be represented before the Tribunal by counsel or agent. Right of party to counsel

13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

Exclusion
of counsel

- (2) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Right of
parties at
hearing

- 13a. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings
to be open
to public;
exceptions

- 13b.—(1) All hearings shall be open to the public except where the Tribunal finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Tribunal shall hold the hearing as to any such matters *in camera*.

Idem

- (2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Release of
exhibits

- 13c. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined.

Specialized
knowledge

- 13d.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.

Notice

- (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.

Contents
and service
of notice

- (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties.

Record

- 13e. All oral evidence received by the Tribunal shall be taken down in writing and together with,

(a) the notice of hearing;

(b) any rulings or orders made in the course of the proceedings of the Tribunal;

(c) any written submissions received by the Tribunal; and

(d) the decision and the reasons therefor,

form the record.

13f.—(1) The Tribunal may, after the hearing,

Decision of
Tribunal

(a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar; or

(b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

(2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Decision
to be in
writing

(3) The reasons for the final decision shall contain,

Contents of
reasons for
decision

(a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;

(b) any agreed findings of facts; and

(c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

(4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Notice of
decision

13g. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court

Enforce-
ment
of decisions

whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to
Court of
Appeal

13*h*.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision
of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final.

Stay

13*i*. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final.

1968, c. 140,
s. 19,
subs. 3,
amended

10.—(1) Subsection 3 of section 19 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out “Director” in the second line and in the third line and inserting in lieu thereof in each instance “Tribunal” and by adding at the end thereof “and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*”, so that the subsection shall read as follows:

Appeal

(3) Where a person deems himself aggrieved by an order under subsection 2, he may appeal therefrom to the Tribunal by filing with the Tribunal a notice of appeal within five days after service of the order appealed against, and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*.

(2) Subsection 5 of the said section 19 is amended by ^{1968, c. 140, s. 19, subs. 5, amended} striking out "Director" in the second line and in the fourth line and inserting in lieu thereof in each instance "Tribunal".

11. Section 23 of *The Upholstered and Stuffed Articles Act, 1968* is repealed. ^{1968, c. 140, s. 23, repealed}

12. *The Upholstered and Stuffed Articles Act, 1968* is ^{1968, c. 140, amended} amended by adding thereto the following sections:

24a.—(1) Any notice or order required to be given or ^{Service} served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department.

(2) Where service is made by registered mail, the ^{Idem} service shall be deemed to be made on the third day after the day of mailing.

(3) Notwithstanding subsections 1 and 2, the Tribunal ^{Exception} may order any other method of service in respect of any matter before the Tribunal.

24b.—(1) Where it appears to the Director that any ^{Restraining orders} person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

(2) An appeal lies to the Court of Appeal from an ^{Appeal} order made under subsection 1.

13.—(1) Subsection 3 of section 25 of *The Upholstered and Stuffed Articles Act, 1968* is ^{1968, c. 140, s. 25, subs. 3, amended} amended by striking out "three" in the second line and inserting in lieu thereof "two", so that the subsection shall read as follows:

(3) No proceeding under clause *a* or *b* of subsection 1 ^{Limitation} shall be instituted more than two years after the time when the subject-matter of the proceeding arose.

1968, c. 140,
s. 25,
subs. 4,
amended

(2) Subsection 4 of the said section 25 is amended by striking out "Registrar" in the fourth line and inserting in lieu thereof "Director".

1968,
c. 140, s. 27,
amended

14. Section 27 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Registrar" in the eleventh line and in the twelfth line and inserting in lieu thereof in each instance "Director".

1968, c. 140,
s. 28, cl. a,
re-enacted

15.—(1) Clause *a* of section 28 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

- (a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

1968,
c. 140, s. 28,
amended

(2) The said section 28 is amended by adding thereto the following clauses:

- (i) requiring registrants to make returns and furnish information to the Registrar;
- (j) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (k) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (l) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

Unfinished
proceedings

16. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force.

Commence-
ment

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Upholstered and Stuffed Articles Amendment Act, 1968-69*.

An Act to amend The Upholstered
and Stuffed Articles Act, 1968

1st Reading

June 17th, 1969

2nd Reading

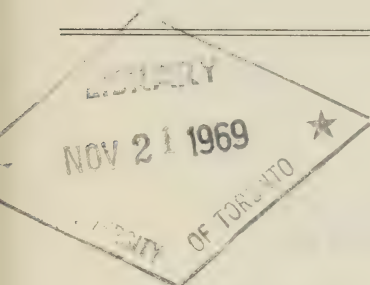
September 30th, 1969

3rd Reading

MR. ROWNTREE

(Reprinted as amended by
the Legal and Municipal Committee)

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to amend The Upholstered
and Stuffed Articles Act, 1968**

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill amends the Act by revising the registration procedures and vesting in The Commercial Registration Appeal Tribunal all hearings concerning registration, with appeals to the Court of Appeal.

BILL 193

1968-69

An Act to amend The Upholstered and Stuffed Articles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act, 1968* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: ^{1968, c. 140, s. 1, sub. 1, amended}

(a) "Department" means the Department of Financial and Commercial Affairs;

(ba) "Minister" means the Minister of Financial and Commercial Affairs;

(da) "registered" means registered under this Act;

(ja) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. ^{1966, c. 41}

2. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following section: ^{1968, c. 140 amended}

2a.—(1) There shall be a Registrar of Upholstered and Stuffed Articles who shall be appointed by the Lieutenant Governor in Council. ^{Registrar}

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. ^{Duties of Registrar}

1968,
c. 140, s. 4,
subs. 2,
re-enacted

3. Subsection 2 of section 4 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

Refusal of
registration

(2) The Registrar may refuse to grant registration where,

(a) the applicant;

(b) a member of the applicant, where the applicant is an association or partnership;

(c) an officer or director of the applicant, where the applicant is a corporation,

was a registrant, or member, officer or director of a registrant, whose registration has been cancelled, unless the Registrar is satisfied that material circumstances have changed.

1968,
c. 140, s. 5,
repealed

4. Section 5 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 6,
subs. 1,
repealed

5. Subsection 1 of section 6 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 7,
amended

6.—(1) Section 7 of *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following subsection:

Request to
indicate
nature of
inquiry

(1a) The request under subsection 1 shall indicate the general nature of the inquiry involved.

1968,
c. 140, s. 7,
subs. 2,
amended

(2) Subsection 2 of the said section 7 is amended by striking out "of and shall be given free access to the books, documents, records and premises of any registrant" in the third, fourth and fifth lines and inserting in lieu thereof "in relation to the complaint", so that the subsection shall read as follows:

Idem

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time make an inspection in relation to the complaint.

1968, c. 140,
amended

7. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections:

Inspection

7a. Where the Registrar has reasonable and probable grounds to believe that any person is acting as a manufacturer or renovator while unregistered, the Registrar or any person designated by him in writing,

may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

7b.—(1) Upon an inspection under section 7 or 7a, the person inspecting, ^{Powers on inspection}

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original. ^{Admissibility of copies}

8. Section 8 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor: ^{1968, c. 140, s. 8, re-enacted}

8.—(1) The Tribunal may, upon the application of the Registrar, suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing. ^{Suspension and revocation}

(2) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. ^{Voluntary cancellation}

9. Sections 9, 10, 11, 12 and 13 of *The Upholstered and Stuffed Articles Act, 1968* are repealed and the following substituted therefor: ^{1968, c. 140, ss. 9-13, re-enacted}

Hearing by
Tribunal

9.—(1) Where the Registrar refuses to issue a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of
hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Partie

10.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjourn-
ment

11.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness:

- (3) The Tribunal may require any person,

Oaths

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Tribunal requires.

- (4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*.

Objection re self-incrimination
R.S.O. 1960, c. 125
R.S.C. 1952, c. 307

- (5) The Tribunal may admit evidence not given under oath.

Idem

- (6) Any person who, without lawful excuse,

Offences

- (a) on being duly summoned as a witness before the Tribunal, makes default in attending;
- (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
- (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

- (7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Enforcement

12. Any party may be represented before the Tribunal by counsel or agent.

Right of party to counsel

- 13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Right of witness to counsel

Exclusion of counsel	(2) Where a hearing is <i>in camera</i> , a counsel or agent for a witness shall be excluded except when that witness is giving evidence.
Right of parties at hearing	13a. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.
Hearings to be open to public; exceptions	13b.—(1) All hearings shall be open to the public except where the Tribunal finds that, <ul style="list-style-type: none"> (a) public security may be involved; or (b) intimate financial or personal circumstances of any person may be disclosed, in which case the Tribunal shall hold the hearing as to any such matters <i>in camera</i> .
Idem	(2) Notwithstanding the exceptions mentioned in clauses <i>a</i> and <i>b</i> of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions.
Release of exhibits	13c. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined.
Specialized knowledge	13d.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence.
Notice	(2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information.
Contents and service of notice	(3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties.
Record	13e. All oral evidence received by the Tribunal shall be taken down in writing and together with, <ul style="list-style-type: none"> (a) the notice of hearing;

- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
 - (c) any written submissions received by the Tribunal; and
 - (d) the decision and the reasons therefor,
- form the record.

13f.—(1) The Tribunal may, after the hearing, Decision of
Tribunal

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar; or
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

- (2) The final decision of the Tribunal, including the Decision
to be in
writing reasons therefor, shall be in writing.
 - (3) The reasons for the final decision shall contain, Contents of
reasons for
decision
 - (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
 - (b) any agreed findings of facts; and
 - (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.
 - (4) The Tribunal shall cause to be served on the parties Notice of
decision a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.
- 13g. A certified copy of the final decision of the Tribunal, Enforce-
ment
of decisions exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court

whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to
Court of
Appeal

13*h*.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision
of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final.

Stay

13*i*. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final.

1968, c. 140,
s. 19,
subs. 3,
amended

10.—(1) Subsection 3 of section 19 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Director" in the second line and in the third line and inserting in lieu thereof in each instance "Tribunal" and by adding at the end thereof "and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*", so that the subsection shall read as follows:

Appeal

(3) Where a person deems himself aggrieved by an order under subsection 2, he may appeal therefrom to the Tribunal by filing with the Tribunal a notice of appeal within five days after service of the order appealed against, and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*.

(2) Subsection 5 of the said section 19 is amended by striking out "Director" in the second line and in the fourth line and inserting in lieu thereof in each instance "Tribunal". ^{1968, c. 140, s. 19, subs. 5, amended}

11. Section 23 of *The Upholstered and Stuffed Articles Act, 1968* is repealed. ^{1968, c. 140, s. 23 repealed}

12. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections: ^{1968, c. 140, amended}

24a.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. ^{Service}

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. ^{Idem}

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. ^{Exception}

24b.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit. ^{Restraining orders}

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. ^{Appeal}

13.—(1) Subsection 3 of section 25 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "three" in the second line and inserting in lieu thereof "two", so that the subsection shall read as follows: ^{1968, c. 140, s. 25, subs. 3, amended}

(3) No proceeding under clause *a* or *b* of subsection 1 shall be instituted more than two years after the time when the subject-matter of the proceeding arose. ^{Limitation}

1968, c. 140,
s. 25,
subs. 4,
amended

(2) Subsection 4 of the said section 25 is amended by striking out "Registrar" in the fourth line and inserting in lieu thereof "Director".

1968,
c. 140, s. 27,
amended

14. Section 27 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Registrar" in the eleventh line and in the twelfth line and inserting in lieu thereof in each instance "Director".

1968, c. 140,
s. 28, cl. a,
re-enacted

15.—(1) Clause *a* of section 28 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

(a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

1968,
c. 140, s. 28,
amended

(2) The said section 28 is amended by adding thereto the following clauses:

(i) requiring registrants to make returns and furnish information to the Registrar;

(j) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;

(k) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(l) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

Unfinished
proceedings

16. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force.

Commence-
ment

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Upholstered and Stuffed Articles Amendment Act, 1968-69*.

An Act to amend The Upholstered
and Stuffed Articles Act, 1968

1st Reading

June 17th, 1969

2nd Reading

September 30th, 1969

3rd Reading

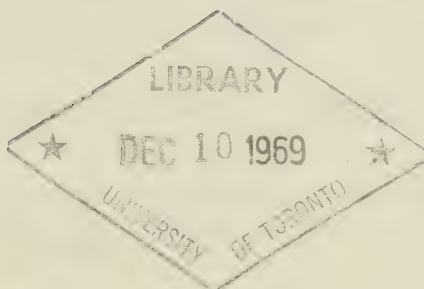
MR. ROWNTREE

(Reprinted as amended by
the Committee of the Whole House)

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend The Upholstered
and Stuffed Articles Act, 1968**

MR. ROWNTREE



BILL 193

1968-69

An Act to amend The Upholstered and Stuffed Articles Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Upholstered and Stuffed Articles Act, 1968* is amended by relettering clause *a* as ^{1968, c. 140, s. 1, subs. 1, amended} clause *aa* and by adding thereto the following clauses:

(a) "Department" means the Department of Financial and Commercial Affairs;

.

(ba) "Minister" means the Minister of Financial and Commercial Affairs;

.

(da) "registered" means registered under this Act;

.

(ja) "Tribunal" means The Commercial Registration Appeal Tribunal established under *The Department of Financial and Commercial Affairs Act, 1966*. ^{1966, c. 41}

2. *The Upholstered and Stuffed Articles Act, 1968* is amended ^{1968, c. 140 amended} by adding thereto the following section:

2a.—(1) There shall be a Registrar of Upholstered and Stuffed Articles who shall be appointed by the Lieutenant Governor in Council. ^{Registrar}

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director. ^{Duties of Registrar}

1968,
c. 140, s. 4,
subs. 2,
re-enacted

3. Subsection 2 of section 4 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

Refusal of
registration

(2) The Registrar may refuse to grant registration where,

(a) the applicant;

(b) a member of the applicant, where the applicant is an association or partnership;

(c) an officer or director of the applicant, where the applicant is a corporation,

was a registrant, or member, officer or director of a registrant, whose registration has been cancelled, unless the Registrar is satisfied that material circumstances have changed.

1968,
c. 140, s. 5,
repealed

4. Section 5 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 6,
subs. 1,
repealed

5. Subsection 1 of section 6 of *The Upholstered and Stuffed Articles Act, 1968* is repealed.

1968,
c. 140, s. 7,
amended

6.—(1) Section 7 of *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following subsection:

Request to
indicate
nature of
inquiry

(1a) The request under subsection 1 shall indicate the general nature of the inquiry involved.

1968,
c. 140, s. 7,
subs. 2,
amended

(2) Subsection 2 of the said section 7 is amended by striking out "of and shall be given free access to the books, documents, records and premises of any registrant" in the third, fourth and fifth lines and inserting in lieu thereof "in relation to the complaint", so that the subsection shall read as follows:

Idem

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any reasonable time make an inspection in relation to the complaint.

1968, c. 140,
amended

7. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections:

Inspection

7a Where the Registrar has reasonable and probable grounds to believe that any person is acting as a manufacturer or renovator while unregistered, the Registrar or any person designated by him in writing,

may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

7b.—(1) Upon an inspection under section 7 or 7a, the ^{Powers on inspection} person inspecting,

(a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the person being inspected; and

(b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

(2) Any copy made as provided in subsection 1 and ^{Admissibility of copies} purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* evidence of the original.

8. Section 8 of *The Upholstered and Stuffed Articles Act*, ^{1968, c. 140, s. 8, re-enacted} 1968 is repealed and the following substituted therefor:

8.—(1) The Tribunal may, upon the application of ^{Suspension and revocation} the Registrar, suspend or revoke a registration where the registrant has contravened this Act or the regulations and has refused to comply with this Act or the regulations after being requested to do so by the Registrar in writing.

(2) Notwithstanding subsection 1, the Registrar may ^{Voluntary cancellation} cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

9. Sections 9, 10, 11, 12 and 13 of *The Upholstered and Stuffed Articles Act*, ^{1968, c. 140, ss. 9-13, re-enacted} 1968 are repealed and the following substituted therefor:

Hearing by
Tribunal

9.—(1) Where the Registrar refuses to issue a registration or applies to the Tribunal to suspend or revoke a registration, he shall serve notice upon the applicant or registrant, together with written reasons for his refusal or for the proposed suspension or revocation, and the applicant or registrant may, by written notice served upon the Registrar and the Tribunal within fifteen days after the service of the notice of refusal or proposed suspension or revocation, require a hearing by the Tribunal.

Notice of
hearing

(2) The Tribunal shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Idem

(3) The notice of hearing shall contain,

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a reference to the rules of procedure applicable to the hearing;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the Tribunal may proceed in his absence and he is not entitled to notice of any further proceedings.

Parties

10.—(1) The Registrar, the applicant or registrant and any other person specified by the Tribunal are parties to the hearing.

Failure to
attend

(2) If a person who has been duly notified of a hearing does not attend, the Tribunal may proceed in his absence.

Adjourn-
ment

11.—(1) A hearing may be adjourned from time to time by the Tribunal on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

Subpoenas

(2) The Tribunal may, in the prescribed form, command the attendance before it of any person as a witness.

- (3) The Tribunal may require any person, Oaths
- (a) to give evidence on oath at a hearing; and
 - (b) to produce such documents and things as the Tribunal requires.
- (4) An applicant or registrant giving evidence under oath before the Tribunal shall be advised of his right to object to answer any question under section 9 of *The Evidence Act* and section 5 of the *Canada Evidence Act*. Objection re self-incrimination
R.S.O. 1960, c. 125
R.S.C. 1952, c. 307
- (5) The Tribunal may admit evidence not given under oath. Idem
- (6) Any person who, without lawful excuse, Offences
- (a) on being duly summoned as a witness before the Tribunal, makes default in attending;
 - (b) being in attendance as a witness before the Tribunal refuses to take an oath legally required by the Tribunal to be taken, or to produce any document or thing in his power or control legally required by the Tribunal to be produced by him, or to answer any question to which the Tribunal may legally require an answer; or
 - (c) does any other thing that would, if the Tribunal had been a court of law having power to commit for contempt, have been contempt of that court,
- is guilty of an offence punishable under subsection 7.
- (7) The Tribunal may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court. Enforcement
12. Any party may be represented before the Tribunal by counsel or agent. Right of party to counsel
- 13.—(1) Any witness may be represented before the Tribunal by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

- | | |
|--|---|
| Exclusion
of counsel | (2) Where a hearing is <i>in camera</i> , a counsel or agent for a witness shall be excluded except when that witness is giving evidence. |
| Right of
parties at
hearing | 13a. At a hearing before the Tribunal, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. |
| Hearings
to be open
to public;
exceptions | <p>13b.—(1) All hearings shall be open to the public except where the Tribunal finds that,</p> <p style="padding-left: 40px;">(a) public security may be involved; or</p> <p style="padding-left: 40px;">(b) intimate financial or personal circumstances of any person may be disclosed,</p> <p style="padding-left: 40px;">in which case the Tribunal shall hold the hearing as to any such matters <i>in camera</i>.</p> |
| Idem | (2) Notwithstanding the exceptions mentioned in clauses <i>a</i> and <i>b</i> of subsection 1, the Tribunal may, if in its opinion the public interest so requires, proceed without regard to such exceptions. |
| Release of
exhibits | 13c. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. |
| Specialized
knowledge | 13d.—(1) The Tribunal may consider in reaching its decision any facts and information that are within its knowledge and that have not been introduced in evidence. |
| Notice | (2) The Tribunal shall notify all parties to a proceeding of any facts or information referred to in subsection 1 and shall, before reaching its decision, give the parties an opportunity to contest before it any such facts or information. |
| Contents
and service
of notice | (3) The Tribunal shall cause a notice containing a statement of such facts or information to be served upon all the parties. |
| Record | <p>13e. All oral evidence received by the Tribunal shall be taken down in writing and together with,</p> <p style="padding-left: 40px;">(a) the notice of hearing;</p> |

- (b) any rulings or orders made in the course of the proceedings of the Tribunal;
- (c) any written submissions received by the Tribunal; and
- (d) the decision and the reasons therefor,

form the record.

13f.—(1) The Tribunal may, after the hearing,

Decision of
Tribunal

- (a) where the hearing is an appeal from a decision of the Registrar, by order confirm or alter the decision of the Registrar or direct the Registrar to do any act the Registrar is authorized to do under this Act and as the Tribunal considers proper and for this purpose the Tribunal may substitute its opinion for that of the Registrar; or
- (b) where the hearing is an application for suspension or revocation of a registration, dismiss the application or order that the registration be suspended or revoked,

and the Tribunal may attach such terms and conditions to its order or to the registration as it considers appropriate.

- (2) The final decision of the Tribunal, including the reasons therefor, shall be in writing.

Decision
to be in
writing

- (3) The reasons for the final decision shall contain,

Contents of
reasons for
decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of facts; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

- (4) The Tribunal shall cause to be served on the parties a copy of its final decision, including the reasons therefor, and a notice stating the rights of appeal.

Notice of
decision

13g. A certified copy of the final decision of the Tribunal, exclusive of the reasons therefor, may be filed in the office of the Registrar of the Supreme Court

Enforce-
ment
of decisions

whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Appeal to
Court of
Appeal

13*h*.—(1) Any party to the hearing before the Tribunal may appeal from the decision of the Tribunal to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Decision
of court

(3) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Tribunal or direct the Registrar or the Tribunal to do any act the Registrar or the Tribunal is authorized to do under this Act and as the court considers proper, and the court may substitute its opinion for that of the Registrar and the Tribunal and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(4) The decision of the Court of Appeal is final.

Stay

13*i*. An order of the Tribunal refusing to renew or suspending or revoking a registration shall take effect immediately, but the Tribunal may grant a stay until the order becomes final.

1968, c. 140,
s. 19,
subs. 3,
amended

10.—(1) Subsection 3 of section 19 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Director" in the second line and in the third line and inserting in lieu thereof in each instance "Tribunal" and by adding at the end thereof "and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*", so that the subsection shall read as follows:

Appeal

(3) Where a person deems himself aggrieved by an order under subsection 2, he may appeal therefrom to the Tribunal by filing with the Tribunal a notice of appeal within five days after service of the order appealed against, and in relation to the practice and procedure on the appeal, the provisions of sections 10, 11, 12, 13, 13*a*, 13*b*, 13*c* and 13*d* apply *mutatis mutandis*.

(2) Subsection 5 of the said section 19 is amended by striking out "Director" in the second line and in the fourth line and inserting in lieu thereof in each instance "Tribunal". ^{1968, c. 140, s. 19, subs. 5, amended}

11. Section 23 of *The Upholstered and Stuffed Articles Act*, 1968, is repealed. ^{1968, c. 140, s. 23, repealed}

12. *The Upholstered and Stuffed Articles Act, 1968* is amended by adding thereto the following sections: ^{1968, c. 140, amended}

24a.—(1) Any notice or order required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Department. ^{Service}

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing. ^{Idem}

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal. ^{Exception}

24b.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit. ^{Restraining orders}

(2) An appeal lies to the Court of Appeal from an order made under subsection 1. ^{Appeal}

13.—(1) Subsection 3 of section 25 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "three" in the second line and inserting in lieu thereof "two", so that the subsection shall read as follows: ^{1968, c. 140, s. 25, subs. 3, amended}

(3) No proceeding under clause *a* or *b* of subsection 1 shall be instituted more than two years after the time when the subject-matter of the proceeding arose. ^{Limitation}

1968, c. 140,
s. 25,
subs. 4,
amended

(2) Subsection 4 of the said section 25 is amended by striking out "Registrar" in the fourth line and inserting in lieu thereof "Director".

1968,
c. 140, s. 27,
amended

14. Section 27 of *The Upholstered and Stuffed Articles Act, 1968* is amended by striking out "Registrar" in the eleventh line and in the twelfth line and inserting in lieu thereof in each instance "Director".

1968, c. 140,
s. 28, cl. a,
re-enacted

15.—(1) Clause *a* of section 28 of *The Upholstered and Stuffed Articles Act, 1968* is repealed and the following substituted therefor:

- (a) governing applications for registration or renewal of registration and prescribing terms and conditions of registration.

1968,
c. 140, s. 28,
amended

(2) The said section 28 is amended by adding thereto the following clauses:

- (i) requiring registrants to make returns and furnish information to the Registrar;
- (j) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (k) prescribing further procedures respecting the conduct of matters coming before the Tribunal;
- (l) providing for the responsibility for payment of witness fees and expenses in connection with proceedings before the Tribunal and prescribing the amounts thereof.

Unfinished
proceedings

16. This Act does not apply in respect of any proceeding or prosecution commenced before this Act comes into force.

Commence-
ment

17. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

18. This Act may be cited as *The Upholstered and Stuffed Articles Amendment Act, 1968-69*.

An Act to amend The Upholstered
and Stuffed Articles Act, 1968

1st Reading

June 17th, 1969

2nd Reading

September 30th, 1969

3rd Reading

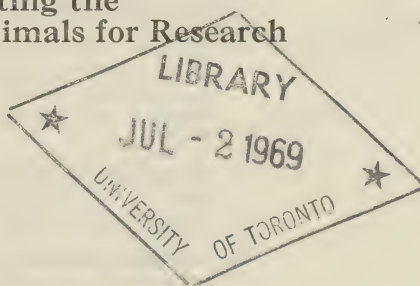
October 31st, 1969

MR. ROWNTREE

BILL 194

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act respecting the
Care and Provision of Animals for Research



MR. STEWART

EXPLANATORY NOTES

The purpose of the Bill is to provide for the care and provision of animals for research.

The principal provisions of the Bill include the following:

1. Persons who breed animals to be supplied to research facilities are required to be licensed as supply facility operators and the qualifications to be met by an applicant for such licence are specified and grounds for suspending or revoking licences are set out.
2. Research facilities are required to be registered and the qualifications to be met for registration are specified and grounds for suspending or revoking registration are set out.
3. The Licensing and Registration Review Board is established and empowered to decide appeals from decisions on licensing or registration made by the Director. A further appeal is provided to a justice of the Court of Appeal from a decision of the Review Board.
4. The operator of a pound is prohibited, except in certain specified circumstances, from destroying any dog or cat that is in the pound but may only return the dog or cat to the original owner, sell it or otherwise dispose of it for use as a pet or similar purposes or sell it to a research facility.
5. The purchase of animals for use in a research facility other than from the operator of a registered research facility, the operator of a pound or the operator of a supply facility who is either licensed or exempt from licensing, is prohibited.
6. Inspection of supply facilities, research facilities and pounds is provided for along with other ancillary matters.

BILL 194

1968-69

An Act respecting the Care and Provision of Animals for Research

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "animal" means a live, non-human vertebrate;
- (b) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) "inspector" means an inspector appointed under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality;
- (f) "redemption period" means that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it;
- (g) "regulations" means the regulations made under this Act;
- (h) "research" means the use of animals in connection with studies, investigation and teaching in any field of knowledge, and, without limiting the generality of the foregoing, includes the use of animals for the performance of tests, and diagnosis of disease and the production and testing of preparations intended for use in the diagnosis, prevention and treatment of any disease or condition;

(i) "research facility" means premises on which animals are used in research and includes premises used for the collecting, assembling, or maintaining of animals in connection with a research facility, but does not include a farm on which pregnant mares are kept for the collection of urine;

(j) "Review Board" means the Licensing and Registration Review Board;

(k) "supply facility" means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility;

R.S.O. 1960,
c. 416

(l) "veterinarian" means a person registered under *The Veterinarians Act*.

Review
Board
established

2.—(1) A board to be known as the "Licensing and Registration Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of
office

(2) No member of the Review Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Review Board constitutes a quorum.

Remunera-
tion

(5) The members of the Review Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Operator
required
to be
licensed

3.—(1) No person shall commence or continue to be an operator of a supply facility without a licence as an operator of a supply facility from the Director unless he is exempt under this Act or the regulations.

Exception
as to
certain sales

(2) An operator of a supply facility is exempt from subsection 1 respecting cattle, fish, goats, horses, poultry, reptiles, sheep, swine or game animals or fur-bearing animals as defined in *The Game and Fish Act, 1961-62*, but in all other respects he is subject to the provisions of this Act and the regulations.

1961-62,
c. 48

(3) No person shall be granted a licence as an operator of a supply facility unless he, ^{Requirements for licensing}

(a) is experienced in the proper care and handling of animals; and

(b) possesses all pens, cages, compounds, vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle animals on his premises.

(4) A licence as an operator of a supply facility may be suspended or revoked where, ^{Suspension or revocation of licence}

(a) the operator has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 3; or

(b) the operator or any person employed by him or associated with him in connection with his operation as an operator has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any other Act relating to cruelty, maltreatment or neglect of animals.

4.—(1) Subject to subsection 10, the Director shall issue a licence as an operator of a supply facility to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 3 of section 3. ^{Issue of licence}

(2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may refuse to issue the licence. ^{Refusal of licence}

(3) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may suspend or revoke the licence. ^{Suspension or revocation of licence}

(4) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Review Board, and the applicant or licensee may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board. ^{Where Director refuses to issue or proposes to suspend or revoke a licence}

Research
facility
required
to be
registered

5.—(1) No person shall commence or continue to operate a research facility unless the research facility is registered under this Act.

Require-
ments for
registration

(2) No research facility shall be registered unless there is therein all pens, cages, compounds, tools, implements, buildings and dietary materials necessary to properly care for and handle animals that are in the research facility.

Suspension
or revoca-
tion of
registration

(3) The registration of a research facility may be suspended or revoked where,

- (a) any of the facilities, equipment or materials referred to in subsection 2 have not been properly maintained therein; or
- (b) the operator or any person employed by him or associated with him in the operation of the research facility has failed to observe or carry out the provisions of,
 - (i) this Act or the regulations, or
 - (ii) any Act relating to cruelty, maltreatment or neglect of animals.

Registration

6.—(1) Subject to subsection 10, the Director shall register a research facility in Ontario unless, in his opinion, it does not contain the facilities, equipment or materials referred to in subsection 2 of section 5.

Refusal of
registration

(2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may refuse to register the research facility.

Director
may
suspend
or revoke
registration

(3) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may suspend or revoke the registration of the research facility.

Where
Director
refuses to
register or
proposes to
suspend or
revoke
registration

(4) Where the Director refuses to register or proposes to suspend or revoke the registration of a research facility he shall give notice thereof to the operator of the research facility, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Review Board and the operator may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board.

7.—(1) The chairman of the Review Board shall fix a time, ^{Hearing by Review Board} date and place at which the Review Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(2) The notice of hearing shall contain, ^{Contents of notice}

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

8.—(1) The Director, the applicant or licensee and the ^{Parties} operator of the research facility, as the case may be, and any other person specified by the Review Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing does ^{Failure to attend} not attend, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

9.—(1) A hearing may be adjourned from time to time by ^{Adjournment} the Review Board on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The Review Board may command the attendance ^{Subpoena} before it of any person as a witness.

(3) The Review Board may require any person, ^{Oaths}

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the Review Board requires.

(4) The Review Board may admit evidence not given under ^{Idem} oath.

(5) Any person who, without lawful excuse, ^{Offences}

- (a) on being duly summoned as a witness before the Review Board, makes default in attending; or

- (b) being in attendance as a witness before the Review Board, refuses to take an oath legally required by the Review Board to be taken, or to produce any document or thing in his power or control legally required by the Review Board to be produced by him, or to answer any question to which the Review Board may legally require an answer; or
- (c) does any other thing that would, if the Review Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-
ment

(6) The Review Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of
party to
counsel

10.—(1) Any party may be represented before the Review Board by counsel or agent.

Right of
witness to
counsel

(2) Any witness may be represented before the Review Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion
of counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Rights of
parties at
hearing

11. At a hearing before the Review Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings
to be open
to public;
exceptions

12.—(1) All hearings shall be open to the public except where the Review Board finds that,

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Review Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* ^{Idem} and *b* of subsection 1, the Review Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

13.—(1) At a hearing before the Review Board, Evidence

- (a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Review Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Review Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

14.—(1) The Review Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Review Board considers proper, and for this purpose the Review Board may substitute its opinion for that of the Director. Powers of Review Board

(2) A licence or registration that is suspended or revoked pursuant to a decision of the Review Board under subsection 1 shall, where an appeal is instituted under section 16, remain suspended or revoked until the appeal is determined. Licence or registration to remain suspended or revoked

(3) The Review Board shall serve each party with a notice of its decision, together with the reasons therefor in writing and a notice stating the right to an appeal under section 16, either personally or by registered mail addressed to the party at his last known address. Notice of decision and right to appeal

(4) The reasons for the decision shall contain, Contents of reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When
licence
not to
issue

15.—(1) The Director shall not issue a licence to any person who formerly held a licence as an operator of a supply facility and whose licence was revoked less than one year before the date of the application.

When
research
facility
not to be
registered

(2) The Director shall not register a research facility that was formerly registered and the registration of which was revoked less than one year before the date of the application.

Appeal

16.—(1) Any party to a hearing before the Review Board may appeal the decision of the Review Board to a justice of appeal of the Court of Appeal.

Form of
appeal

(2) Every appeal under subsection 1 shall be by notice of motion served upon the chairman of the Review Board and every party to the hearing within thirty days after service of the notice referred to in subsection 3 of section 14 and the practice and procedure in relation to the appeal shall be the same as on an appeal from a judgment of a judge of the Supreme Court in an action.

Material
on appeal

(3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court,

- (a) the notices referred to in subsection 4 of section 4 or subsection 4 of section 6, as the case may be, and in subsection 1 of section 7 and subsection 3 of section 14;
- (b) the written reasons for the decision of the Review Board; and
- (c) all written submissions to the Review Board and other material, including documentary evidence received by it in connection with the hearing.

Power of
judge on
appeal

(4) Where an appeal is instituted under this section, the judge may confirm or alter the decision of the Review Board or direct the Director to do any act the Director is authorized to do under this Act and as the judge deems proper, and for this purpose the judge may substitute his opinion for that of the Review Board.

Order of
judge final

(5) The order of the judge is final.

Animals to
be kept
separate

17. Animals that are bred and reared in a supply facility shall, at all times, be maintained by the operator thereof in such manner that they are separate from any other animals owned by him.

18.—(1) No person shall purchase or otherwise acquire an animal from any person in Ontario for use in a research facility except from, Purchase or other acquisition of animals

- (a) the operator of a registered research facility;
- (b) the operator of a pound, under section 22;
- (c) the operator of a supply facility who is,
 - (i) the holder of a licence as an operator of a supply facility, or
 - (ii) exempt under this Act or the regulations from the provisions of subsection 1 of section 3 in respect of the animal.

(2) No operator of a research facility shall sell or otherwise dispose of any dog or cat purchased or otherwise acquired under section 22 to any person other than the operator of a registered research facility in Ontario. Sale or other disposition of dog or cat

(3) Nothing in this section prevents, Exceptions

- (a) the acquisition by a research facility of a dog or cat that has been donated to the research facility by the owner thereof; or
- (b) the return by the research facility of a dog or cat acquired under section 22 to the person who was the owner thereof before it came into possession of the operator of the pound.

19. The operator of a registered research facility shall submit to the Director such reports respecting animals used in the research facility for research as may be prescribed in the regulations. Reports

20.—(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations. Appointment of chief inspector and inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. Certificate of appointment

Powers of
inspectors

(3) Subject to subsections 4, 5, 6, 7 and 8, an inspector may, for the purpose of carrying out his duties under this Act,

(a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are animals that are used, or that are intended to be used, in research and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any animal therein;

(b) enter any pound and inspect the pound, any facilities or equipment therein and any animals therein; and

(c) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or of extracts therefrom relating to animals that,

(i) are in a pound, or

(ii) he believes on reasonable and probable grounds are used or intended to be used in research.

Entry of
dwellings
R.S.O. 1960,
c. 387

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or tenant unless,

(a) the occupant is a licensed operator of a supply facility; and

(b) he has reasonable grounds for believing that the occupant is maintaining in such part animals that are used or intended to be used in research.

When
powers
to be
exercised

R.S.O. 1960,
c. 387

(5) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*.

Production
and photo-
copying of
records,
etc.

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

(7) Where a book, record, document or extract has been photocopied under subsection 6, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way. Certification of photocopy

(8) Where an inspector makes a demand under clause c of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required. Demand to be in writing

(9) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of animals in the possession of the operator of a registered research facility or of a licensed operator of a supply facility. 1955, c. 58, not to apply

21. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information. Obstruction of inspector

22.—(1) The minimum redemption period shall be three days, excluding the day on which the dog or cat was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period. Redemption period

(2) The council of a local municipality may, by by-law, fix a redemption period that is longer than the minimum redemption period prescribed by or under this Act and shall file a copy of any such by-law with the Director. Idem

(3) Except with the approval in writing of the Director, no by-law referred to in subsection 2 shall be repealed or amended. Repeal or amendment of by-law

(4) Where the operator of a pound has impounded a dog or cat that has a tag, name plate, tattoo or other means of identification, the operator shall take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded. Operator required to attempt to find owner

(5) During the redemption period and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may return the dog or cat to the person who owned it before it came into his possession, subject to the payment of such damages, fines and expenses as are required by law. Dog or cat not to be destroyed

Idem

(6) After the redemption period has expired and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may,

- (a) return the dog or cat to the person who owned it before it came into the possession of the operator of the pound, subject to the payment of such damages, fines and expenses as are required by law;
- (b) sell the dog or cat, dispose of it by gift or hold it in possession for sale or disposal by gift to a *bona fide* purchaser or donee,
 - (i) as a pet,
 - (ii) for use in hunting, or
 - (iii) for working purposes; or
- (c) sell the dog or cat to the operator of a registered research facility in Ontario who has requested the operator of the pound to sell him a dog or cat, as the case may be.

Where
dog or cat
may be
destroyed

(7) Notwithstanding subsection 5 or 6, the operator of a pound may destroy or cause or permit to be destroyed any dog or cat that has been impounded in the pound where,

- (a) the person who owned the dog or cat before it came into the possession of the operator of the pound has requested in writing that the dog or cat be destroyed;
- (b) an inspector or veterinarian has ordered that the dog or cat be destroyed pursuant to subsection 10;
- (c) the dog or cat has been impounded in the pound for the redemption period and the operator of the pound has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities; or
- (d) during the redemption period, the dog or cat is in a pound and,
 - (i) is ill or injured and in his opinion is incapable of being so cured or healed as to live thereafter without suffering; and
 - (ii) he has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities.

(8) Where the operator of a pound sells a dog or cat to the operator of a research facility under subsection 6, the price of the dog or cat, ^{Sale price of dog or cat}

- (a) where no maximum price has been prescribed in the regulations in respect of the dog or cat, shall not exceed a price that is reasonable having regard to all the circumstances; or
- (b) shall not exceed the maximum price prescribed in the regulations in respect of the dog or cat.

(9) In addition to the price paid for a dog or cat under clause b of subsection 8, the operator of a pound may require the operator of a research facility to pay such amount as is prescribed in the regulations in respect of the care, treatment, food and accommodation of a dog or cat. ^{Additional amount payable}

(10) An inspector or veterinarian may order a dog or cat to be destroyed, ^{Order for destruction of dog or cat}

- (a) where, during the redemption period, the dog or cat is in a pound and is ill or injured and, in the opinion of the inspector or veterinarian, is incapable of being so cured or healed as to live thereafter without suffering; or
- (b) where the dog or cat,
 - (i) is in a pound, supply facility or research facility,
 - (ii) has not, where it is in a pound, been redeemed by its owner within the redemption period, and
 - (iii) is, in the opinion of the inspector or veterinarian, not suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.

(11) Where the operator of a pound has in his possession a dog or cat that is impounded pursuant to a by-law of a local municipality, he shall at all times identify the dog or cat in such manner as is prescribed in the regulations. ^{Identification of dog or cat}

(12) This section does not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to *The Public Health Act* or the *Animal Contagious Diseases Act* (Canada). ^{Exception as to certain animals R.S.O. 1960, c. 321 R.S.C. 1952, c. 9}

Offence

23.—(1) Every person who contravenes any of the provisions of this Act, other than section 19, or the regulations, other than a regulation made under clause *i*, *k*, *l* or *m* of section 25, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who contravenes the provisions of section 19 or of a regulation made under clause *i*, *k*, *l* or *m* of section 25, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

Injunction proceedings

24. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a pound, research facility or supply facility or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such pound, research facility or supply facility absolutely or for such period as seems just.

Regulations

25. The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) providing for the manner of registering research facilities in Ontario and prescribing the fees payable therefor;
- (c) prescribing further procedures for hearings before the Review Board;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a research facility, supply facility or pound or any class thereof;
- (e) prescribing standards for the health, welfare and care of animals, or any class thereof, in a research facility, supply facility or pound;

- (f) prescribing facilities and equipment for the transportation of animals that are used or are intended to be used by a research facility;
- (g) classifying research facilities, requiring the operators of any class of research facility to provide for the services of a veterinarian in connection with the care of animals in the research facility and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (h) requiring the establishment of animal care committees in connection with research facilities, providing for their composition and requiring any such committee to be responsible for co-ordinating and reviewing,
 - (i) the activities and procedures,
 - (ii) the standards of care and facilities, and
 - (iii) the training and qualifications of personnel that are engaged in the care of animals,
 in the research facility in connection with which it is established;
- (i) prescribing the records to be made and kept by the operator of a research facility, supply facility or pound, or any class thereof, and prescribing the places at which such records shall be kept;
- (j) prescribing reports to be submitted to the Director by the operator of a research facility;
- (k) prescribing methods for the identification of animals;
- (l) subject to subsection 1 of section 22, prescribing the redemption period in respect of dogs or cats or any class thereof;
- (m) determining from time to time the maximum prices that shall be paid for dogs or cats or any class thereof by the operators of research facilities, to the operators of pounds, determining different prices for different parts of Ontario and prescribing the manner in which and the person to whom such prices shall be paid;

- (n) prescribing for the purposes of subsection 9 of section 22, an amount or amounts that the operator of a pound may require the operator of a research facility to pay respecting the care, treatment, food and accommodation of a dog or cat;
- (o) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons, or any animal or class of animals and prescribing the terms and conditions therefor;
- (p) prescribing forms and providing for their use;
- (q) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

26. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

27. This Act may be cited as *The Animals for Research Act, 1968-69*.

An Act respecting the
Care and Provision of Animals for Research

1st Reading

June 17th, 1969

2nd Reading

3rd Reading

MR. STEWART

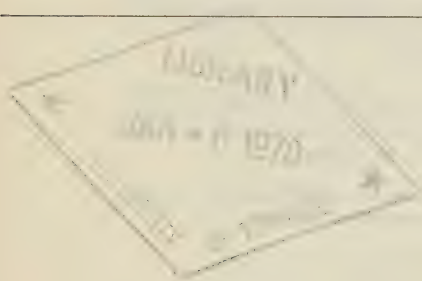
BILL 194

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

Government
Publications

**An Act respecting the
Care and Provision of Animals for Research**

MR. STEWART



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The purpose of the Bill is to provide for the care and provision of animals for research.

The principal provisions of the Bill include the following:

1. Persons who breed animals to be supplied to research facilities are required to be licensed as supply facility operators and the qualifications to be met by an applicant for such licence are specified and grounds for suspending or revoking licences are set out.
2. Research facilities are required to be registered and the qualifications to be met for registration are specified and grounds for suspending or revoking registration are set out.
3. The Licensing and Registration Review Board is established and empowered to decide appeals from decisions on licensing or registration made by the Director. A further appeal is provided to the Court of Appeal from a decision of the Review Board.
4. The operator of a pound is prohibited, except in certain specified circumstances, from destroying any dog or cat that is in the pound but may only return the dog or cat to the original owner, sell it or otherwise dispose of it for use as a pet or similar purposes or sell it to a research facility.
5. The purchase of animals for use in a research facility other than from the operator of a registered research facility, the operator of a pound or the operator of a supply facility who is either licensed or exempt from licensing, is prohibited.
6. Inspection of supply facilities, research facilities and pounds is provided for along with other ancillary matters.

An Act respecting the Care and Provision of Animals for Research

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "animal" means a live, non-human vertebrate;
- (b) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) "inspector" means an inspector appointed under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs or cats so impounded;
- (f) "redemption period" means that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it;
- (g) "regulations" means the regulations made under this Act;
- (h) "research" means the use of animals in connection with studies, investigation and teaching in any field of knowledge, and, without limiting the generality of the foregoing, includes the use of animals for the performance of tests, and diagnosis of disease and the production and testing of preparations intended

for use in the diagnosis, prevention and treatment of any disease or condition;

- (i) "research facility" means premises on which animals are used in research and includes premises used for the collecting, assembling, or maintaining of animals in connection with a research facility, but does not include a farm on which pregnant mares are kept for the collection of urine;
- (j) "Review Board" means the Licensing and Registration Review Board;
- (k) "supply facility" means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility;
- (l) "veterinarian" means a person registered under *The Veterinarians Act*.

R.S.O. 1960,
c. 416

Review
Board
established

2.—(1) A board to be known as the "Licensing and Registration Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Appointment
to Board

(2) The Lieutenant Governor in Council shall offer an appointment to the Review Board to a person who is a member in good standing of the Ontario Society for the Prevention of Cruelty to Animals or of an incorporated society affiliated therewith.

Term of
office

(3) No member of the Review Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council may appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(5) A majority of the members of the Review Board constitutes a quorum.

Remunera-
tion

(6) The members of the Review Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Operator
required
to be
licensed

3.—(1) No person shall commence or continue to be an operator of a supply facility without a licence as an operator of a supply facility from the Director unless he is exempt under this Act or the regulations.

(2) An operator of a supply facility is exempt from sub-section 1 respecting cattle, fish, goats, horses, poultry, reptiles, sheep, swine or game animals or fur-bearing animals as defined in *The Game and Fish Act, 1961-62*, but in all other respects he is subject to the provisions of this Act and the regulations.

Exception
as to
certain sales
1961-62,
c. 48

(3) No person shall be granted a licence as an operator of a supply facility unless he,

Require-
ments for
licensing

(a) is experienced in the proper care and handling of animals; and

(b) possesses all pens, cages, compounds, vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle animals on his premises.

(4) A licence as an operator of a supply facility may be suspended or revoked where,

Suspension
or revoca-
tion of
licence

(a) the operator has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 3; or

(b) the operator or any person employed by him or associated with him in connection with his operation as an operator has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any other Act relating to cruelty, maltreatment or neglect of animals.

4.—(1) Subject to subsection 1 of section 15, the Director shall issue a licence as an operator of a supply facility to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 3 of section 3.

Issue of
licence

(2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may refuse to issue the licence.

Refusal
of licence

(3) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may suspend or revoke the licence.

Suspension
or revoca-
tion of
licence

(4) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Review Board, and the

Where
Director
refuses to
issue or
proposes to
suspend or
revoke a
licence

applicant or licensee may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board.

Research
facility
required
to be
registered

5.—(1) No person shall commence or continue to operate a research facility unless the research facility is registered under this Act.

Require-
ments for
registration

(2) No research facility shall be registered unless there are therein or adjacent thereto and in connection therewith all pens, cages, compounds, tools, implements, buildings and dietary materials necessary to properly care for and handle animals that are in the research facility.

Suspension
or revoca-
tion of
registration

(3) The registration of a research facility may be suspended or revoked where,

(a) any of the facilities, equipment or materials referred to in subsection 2 have not been properly maintained therein; or

(b) the operator or any person employed by him or associated with him in the operation of the research facility has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any Act relating to cruelty, maltreatment or neglect of animals.

Registration

6.—(1) Subject to subsection 2 of section 15, the Director shall register a research facility in Ontario unless, in his opinion, it does not contain the facilities, equipment or materials referred to in subsection 2 of section 5.

Refusal of
registration

(2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may refuse to register the research facility.

Director
may
suspend
or revoke
registration

(3) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may suspend or revoke the registration of the research facility.

Where
Director
refuses to
register or
proposes to
suspend or
revoke
registration

(4) Where the Director refuses to register or proposes to suspend or revoke the registration of a research facility he shall give notice thereof to the operator of the research facility, together with written reasons for his refusal or

proposed suspension or revocation and a notice stating the right to a hearing by the Review Board and the operator may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board.

7.—(1) The chairman of the Review Board shall fix a time, ^{Hearing by Review Board} date and place at which the Review Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(2) The notice of hearing shall contain, ^{Contents of notice}

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

8.—(1) The Director, the applicant or licensee and the ^{Parties} operator of the research facility, as the case may be, and any other person specified by the Review Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing does ^{Failure to attend} not attend, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

9.—(1) A hearing may be adjourned from time to time by ^{Adjournment} the Review Board on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The Review Board may command the attendance ^{Subpoena} before it of any person as a witness.

(3) The Review Board may require any person, ^{Oaths}

- (a) to give evidence on oath or affirmation at a hearing; and
- (b) to produce such documents and things as the Review Board requires.

(4) The Review Board may admit evidence not given under ^{Idem} oath.

Offences

(5) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Review Board, makes default in attending; or

(b) being in attendance as a witness before the Review Board, refuses to take an oath or make an affirmation legally required by the Review Board to be taken or made, or to produce any document or thing in his power or control legally required by the Review Board to be produced by him, or to answer any question to which the Review Board may legally require an answer; or

(c) does any other thing that would, if the Review Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Review Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

10.—(1) Any party may be represented before the Review Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Review Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Rights of parties at hearing

11. At a hearing before the Review Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings to be open to public; exceptions

12.—(1) All hearings shall be open to the public except where the Review Board finds that,

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Review Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* ^{Idem} and *b* of subsection 1, the Review Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

13.—(1) At a hearing before the Review Board, Evidence

- (a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Review Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Review Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

14.—(1) The Review Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Review Board considers proper, and for this purpose the Review Board may substitute its opinion for that of the Director. Powers of Review Board

(2) A licence or registration that is suspended or revoked pursuant to a decision of the Review Board under subsection 1 shall, where an appeal is instituted under section 16, remain suspended or revoked until the appeal is determined. Licence or registration to remain suspended or revoked

(3) The Review Board shall serve each party with a notice of its decision, together with the reasons therefor in writing and a notice stating the right to an appeal under section 16, either personally or by registered mail addressed to the party at his last known address. Notice of decision and right to appeal

(4) The reasons for the decision shall contain, Contents of reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When
licence
not to
issue

15.—(1) The Director shall not issue a licence to any person who formerly held a licence as an operator of a supply facility and whose licence was revoked less than one year before the date of the application.

When
research
facility
not to be
registered

(2) The Director shall not register a research facility that was formerly registered and the registration of which was revoked less than one year before the date of the application.

Appeal to
Court of
Appeal

16.—(1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Court of Appeal and the practice and procedure as to appeal proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Material
on appeal

(3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court,

(a) the notices referred to in subsection 4 of section 4 or subsection 4 of section 6, as the case may be, and in subsection 1 of section 7 and subsection 3 of section 14;

(b) the written reasons for the decision of the Review Board; and

(c) all written submissions to the Review Board and other material, including documentary evidence received by it in connection with the hearing.

Decision of
court

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any such act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(5) The decision of the Court of Appeal is final.

Animals to
be kept
separate

17. Animals that are bred and reared in a supply facility shall, at all times, be maintained by the operator thereof in such manner that they are separate from any other animals owned by him.

18.—(1) No person shall purchase or otherwise acquire an animal from any person in Ontario for use in a research facility except from, Purchase or other acquisition of animals

- (a) the operator of a registered research facility;
- (b) the operator of a pound, under section 24;
- (c) the operator of a supply facility who is,
 - (i) the holder of a licence as an operator of a supply facility, or
 - (ii) exempt under this Act or the regulations from the provisions of subsection 1 of section 3 in respect of the animal.

(2) No operator of a research facility shall sell or otherwise dispose of any dog or cat purchased or otherwise acquired under section 24 to any person other than the operator of a registered research facility in Ontario. Sale or other disposition of dog or cat

(3) Nothing in this section prevents,

Exceptions

- (a) the acquisition by a research facility of a dog or cat that has been donated to the research facility by the owner thereof;
- (b) the return by the research facility of a dog or cat acquired under clause c of subsection 6 of section 24 to the person who was the owner thereof before it came into possession of the operator of the pound; or
- (c) the acquisition by the operator of a supply facility of breeding stock from any person not referred to in subsection 1.

19. The operator of a registered research facility shall submit to the Director such reports respecting animals used in the research facility for research as may be prescribed in the regulations. **Reports**

20.—(1) Every animal used in a registered research facility in any experiment that is likely to result in pain to the animal shall be anaesthetized so as to prevent the animal from suffering unnecessary pain. Animals to be anaesthetized

(2) The operator of a research facility shall provide analgesics adequate to prevent an animal from suffering unnecessary pain during the period of its recovery from any procedure used in an experiment. Analgesics to be provided

Animal care
committee

21.—(1) Every person or body of persons having control of a registered research facility or facilities shall establish in connection therewith an animal care committee, one of the members of which shall be a veterinarian.

Responsi-
bility of
committee

(2) Every animal care committee established under subsection 1 shall be responsible for co-ordinating and reviewing,

- (a) the activities and procedures relating to the care of animals;
- (b) the standards of care and facilities for animals;
- (c) the training and qualifications of personnel that are engaged in the care of animals; and
- (d) procedures for the prevention of unnecessary pain including the use of anaesthetics and analgesics,

in every research facility in connection with which the animal care committee is established, having regard to the requirements of this Act and the regulations.

Filing of
research
project
proposal
with animal
care
committee

(3) The operator of a research facility shall, prior to conducting any research project in which animals are to be used, file, or cause to be filed, with the animal care committee a research project proposal setting forth the nature of all procedures to be used in connection with such animals, the number and type of animals to be used and the anticipated pain level that any such animal is likely to experience.

Committee
to make
orders

(4) Where an animal care committee has reason to believe that there is, will be or has been an offence committed against section 20 in any research facility in connection with which it is established, the animal care committee shall order,

- (a) that any research in connection with such offence be stopped or not proceeded with; and
- (b) that where such research has caused, in any animal, severe pain or illness that cannot be alleviated, such animal be forthwith humanely destroyed.

Appoint-
ment of
chief
inspector
and
inspectors

22.—(1) The Minister shall appoint a chief inspector who is a veterinarian and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. Certificate of appointment

(3) Subject to subsections 4, 5, 6, 7 and 8, an inspector, for the purpose of carrying out his duties under this Act, may, upon production of a certificate of his appointment, Powers of inspectors

(a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are animals that are used, or that are intended to be used, in research and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any animal therein;

(b) enter any pound and inspect the pound, any facilities or equipment therein and any animals therein; and

(c) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or of extracts therefrom relating to animals that,

(i) are in a pound, or

(ii) he believes on reasonable and probable grounds are used or intended to be used in research.

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or tenant unless, Entry of dwellings R.S.O. 1960, c. 387

(a) the occupant is a licensed operator of a supply facility; and

(b) he has reasonable grounds for believing that the occupant is maintaining in such part animals that are used or intended to be used in research.

(5) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*. When powers to be exercised R.S.O. 1960, c. 387

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the Production and photocopying of records, etc.

purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certifi-
cation of
photocopy

(7) Where a book, record, document or extract has been photocopied under subsection 6, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand
to be in
writing

(8) Where an inspector makes a demand under clause *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

1955, c. 58,
not to
apply

(9) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of animals in the possession of the operator of a registered research facility or of a licensed operator of a supply facility.

Obstruction
of inspector

23. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Redemption
period

24.—(1) The minimum redemption period shall be three days, excluding the day on which the dog or cat was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period.

Idem

(2) The council of a local municipality may, by by-law, fix a redemption period that is longer than the minimum redemption period prescribed by or under this Act and shall file a copy of any such by-law with the Director.

Repeal or
amendment
of by-law

(3) Except with the approval in writing of the Director, no by-law referred to in subsection 2 shall be repealed or amended.

Notification
by operator

(4) Where the operator of a pound has impounded a dog or cat that has a tag, name plate or other means of identification, he shall,

(a) notify the nearest office of the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, except where the pound is operated by such society or affiliated society; and

- (b) take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded.

(5) During the redemption period and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may return the dog or cat to the person who owned it before it came into his possession, subject to the payment of such damages, fines and expenses as are required by law. ^{Dog or cat not to be destroyed}

(6) After the redemption period has expired and subject to ^{Idem} subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may,

- (a) return the dog or cat to the person who owned it before it came into the possession of the operator of the pound, subject to the payment of such damages, fines and expenses as are required by law;
- (b) sell the dog or cat, dispose of it by gift or hold it in possession for sale or disposal by gift to a *bona fide* purchaser or donee,
 - (i) as a pet,
 - (ii) for use in hunting, or
 - (iii) for working purposes; or
- (c) sell the dog or cat to the operator of a registered research facility in Ontario who has requested the operator of the pound to sell him a dog or cat, as the case may be.

(7) Notwithstanding subsection 5 or 6, the operator of a pound may destroy or cause or permit to be destroyed any dog or cat that has been impounded in the pound where, ^{Where dog or cat may be destroyed}

- (a) the person who owned the dog or cat before it came into the possession of the operator of the pound has requested in writing that the dog or cat be destroyed;
- (b) an inspector or veterinarian has ordered that the dog or cat be destroyed pursuant to subsection 11;
- (c) the dog or cat has been impounded in the pound for the redemption period and the operator of the pound has satisfied all requests referred to in clause c of subsection 6 from operators of research facilities; or

(d) during the redemption period, the dog or cat is in a pound and,

(i) is ill or injured and in his opinion is incapable of being so cured or healed as to live thereafter without suffering; and

(ii) he has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities.

Sale price
of dog or
cat

(8) Where the operator of a pound sells a dog or cat to the operator of a research facility under subsection 6, the price of the dog or cat,

(a) where no maximum price has been prescribed in the regulations in respect of the dog or cat, shall not exceed a price that is reasonable having regard to all the circumstances; or

(b) shall not exceed the maximum price prescribed in the regulations in respect of the dog or cat.

Additional
amount
payable

(9) In addition to the price paid for a dog or cat under clause *b* of subsection 8, the operator of a pound may require the operator of a research facility to pay such amount as is prescribed in the regulations in respect of the care, treatment, food and accommodation of a dog or cat.

No payment
to be made
to operator
of pound

(10) Where a dog or cat is sold or otherwise disposed of in a manner referred to in subsection 6, no person shall make any payment in respect of the dog or cat to the operator of the pound or any person employed therein but shall make such payment in the manner and to such other person as is prescribed in the regulations.

Order for
destruction
of dog
or cat

(11) An inspector or veterinarian may order a dog or cat to be destroyed,

(a) where, during the redemption period, the dog or cat is in a pound and is ill or injured and, in the opinion of the inspector or veterinarian, is incapable of being so cured or healed as to live thereafter without suffering; or

(b) where the dog or cat,

(i) is in a pound, supply facility or research facility,

(ii) has not, where it is in a pound, been redeemed by its owner within the redemption period, and

- (iii) is, in the opinion of the inspector or veterinarian, not suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.

(12) Where the operator of a pound has in his possession a dog or cat that is impounded pursuant to a by-law of a local municipality, he shall at all times identify the dog or cat in such manner as is prescribed in the regulations. Identification of dog or cat

(13) This section does not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to *The Public Health Act* or the *Animal Contagious Diseases Act* (Canada). Exception as to certain animals R.S.O. 1960, c. 321 R.S.C. 1952, c. 9

25.—(1) Every person who contravenes any of the provisions of this Act, other than section 19, or the regulations, other than a regulation made under clause *h*, *j* or *l* of section 27, or of an order made under subsection 3 of section 21, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. Offence

(2) Every person who contravenes the provisions of section 19 or of a regulation made under clause *h*, *j* or *l* of section 27, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100. Idem

26. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a pound, research facility or supply facility or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such pound, research facility or supply facility absolutely or for such period as seems just. Injunction proceedings

27. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;

- (b) providing for the manner of registering research facilities in Ontario, prescribing the fees payable therefor, and prescribing terms and conditions for such registration;
- (c) prescribing further procedures for hearings before the Review Board;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a research facility, supply facility or pound or any class thereof;
- (e) prescribing standards for the health, welfare and care of animals, or any class thereof, in a research facility, supply facility or pound;
- (f) prescribing facilities and equipment for the transportation of animals that are used or are intended to be used by a research facility;
- (g) classifying research facilities, requiring the operators of any class of research facility to provide for the services of a veterinarian in connection with the care of animals in the research facility and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (h) prescribing the records to be made and kept by the operator of a research facility, supply facility or pound, or any class thereof, and prescribing the places at which such records shall be kept;
- (i) prescribing reports to be submitted to the Director by the operator of a research facility;
- (j) prescribing methods for the identification of animals;
- (k) subject to subsection 1 of section 24, prescribing the redemption period in respect of dogs or cats or any class thereof;
- (l) determining from time to time the maximum prices that shall be paid for dogs or cats or any class thereof by the operators of research facilities, to the operators of pounds, determining different prices for different parts of Ontario and prescribing the manner in which and the person to whom such prices shall be paid;

- (m) prescribing for the purposes of subsection 9 of section 24, an amount or amounts that the operator of a pound may require the operator of a research facility to pay respecting the care, treatment, food and accommodation of a dog or cat;
- (n) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons, or any animal or class of animals and prescribing the terms and conditions therefor;
- (o) prescribing forms and providing for their use;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

28. This Act comes into force on a day to be named by ^{Commence-}ment the Lieutenant Governor by his proclamation.

29. This Act may be cited as *The Animals for Research* ^{Short title} *Act, 1968-69.*

An Act respecting the
Care and Provision of Animals for Research

1st Reading

June 17th, 1969

2nd Reading

December 11th, 1969

3rd Reading

MR. STEWART

(Reprinted as amended by the
Committee of the Whole House)

BILL 194

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act respecting the
Care and Provision of Animals for Research**

MR. STEWART

BILL 194

1968-69

An Act respecting the Care and Provision of Animals for Research

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "animal" means a live, non-human vertebrate;
- (b) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) "inspector" means an inspector appointed under this Act;
- (d) "Minister" means the Minister of Agriculture and Food;
- (e) "pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to a by-law of a municipality, but does not include any premises, or part thereof, that are not used by any person or body of persons, including the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, for the detention, maintenance or disposal of dogs or cats so impounded;
- (f) "redemption period" means that period of time within which the owner of a dog or cat that has been impounded in a pound has the right to redeem it;
- (g) "regulations" means the regulations made under this Act;
- (h) "research" means the use of animals in connection with studies, investigation and teaching in any field of knowledge, and, without limiting the generality of the foregoing, includes the use of animals for the performance of tests, and diagnosis of disease and the production and testing of preparations intended

for use in the diagnosis, prevention and treatment of any disease or condition;

- (i) "research facility" means premises on which animals are used in research and includes premises used for the collecting, assembling, or maintaining of animals in connection with a research facility, but does not include a farm on which pregnant mares are kept for the collection of urine;
- (j) "Review Board" means the Licensing and Registration Review Board;
- (k) "supply facility" means premises, other than a research facility, that are used for the breeding and rearing of animals pursuant to a contract between the operator thereof and the operator of a research facility;

R.S.O. 1960,
c. 416

- (l) "veterinarian" means a person registered under *The Veterinarians Act*.

Review
Board
established

2.—(1) A board to be known as the "Licensing and Registration Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Appointment
to Board

(2) The Lieutenant Governor in Council shall offer an appointment to the Review Board to a person who is a member in good standing of the Ontario Society for the Prevention of Cruelty to Animals or of an incorporated society affiliated therewith.

Term of
office

(3) No member of the Review Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council may appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(5) A majority of the members of the Review Board constitutes a quorum.

Remunera-
tion

(6) The members of the Review Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Operator
required
to be
licensed

3.—(1) No person shall commence or continue to be an operator of a supply facility without a licence as an operator of a supply facility from the Director unless he is exempt under this Act or the regulations.

(2) An operator of a supply facility is exempt from sub-section 1 respecting cattle, fish, goats, horses, poultry, reptiles, sheep, swine or game animals or fur-bearing animals as defined in *The Game and Fish Act, 1961-62*, but in all other respects he is subject to the provisions of this Act and the regulations. Exception as to certain sales 1961-62, c. 48.

(3) No person shall be granted a licence as an operator of a supply facility unless he, Requirements for licensing

- (a) is experienced in the proper care and handling of animals; and
- (b) possesses all pens, cages, compounds, vehicles, tools, implements, buildings and dietary materials necessary to properly care for and handle animals on his premises.

(4) A licence as an operator of a supply facility may be suspended or revoked where, Suspension or revocation of licence

- (a) the operator has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 3; or
- (b) the operator or any person employed by him or associated with him in connection with his operation as an operator has failed to observe or carry out the provisions of,
 - (i) this Act or the regulations, or
 - (ii) any other Act relating to cruelty, maltreatment or neglect of animals.

4.—(1) Subject to subsection 1 of section 15, the Director shall issue a licence as an operator of a supply facility to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 3 of section 3. Issue of licence

(2) Where the Director is of the opinion that an applicant does not comply with clauses *a* and *b* of subsection 3 of section 3, he may refuse to issue the licence. Refusal of licence

(3) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 4 of section 3 applies, he may suspend or revoke the licence. Suspension or revocation of licence

(4) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Review Board, and the Where Director refuses to issue or proposes to suspend or revoke a licence

applicant or licensee may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board.

Research
facility
required
to be
registered

5.—(1) No person shall commence or continue to operate a research facility unless the research facility is registered under this Act.

Require-
ments for
registration

(2) No research facility shall be registered unless there are therein or adjacent thereto and in connection therewith all pens, cages, compounds, tools, implements, buildings and dietary materials necessary to properly care for and handle animals that are in the research facility.

Suspension
or revoca-
tion of
registration

(3) The registration of a research facility may be suspended or revoked where,

- (a) any of the facilities, equipment or materials referred to in subsection 2 have not been properly maintained therein; or
- (b) the operator or any person employed by him or associated with him in the operation of the research facility has failed to observe or carry out the provisions of,
 - (i) this Act or the regulations, or
 - (ii) any Act relating to cruelty, maltreatment or neglect of animals.

Registration

6.—(1) Subject to subsection 2 of section 15, the Director shall register a research facility in Ontario unless, in his opinion, it does not contain the facilities, equipment or materials referred to in subsection 2 of section 5.

Refusal of
registration

(2) Where the Director is of the opinion that a research facility in respect of which an application for registration is made does not contain the facilities, equipment or materials referred to in subsection 2 of section 5, he may refuse to register the research facility.

Director
may
suspend
or revoke
registration

(3) Where the Director is of the opinion that clause *a* or *b* of subsection 3 of section 5 applies, he may suspend or revoke the registration of the research facility.

Where
Director
refuses to
register or
proposes to
suspend or
revoke
registration

(4) Where the Director refuses to register or proposes to suspend or revoke the registration of a research facility he shall give notice thereof to the operator of the research facility, together with written reasons for his refusal or

proposed suspension or revocation and a notice stating the right to a hearing by the Review Board and the operator may, by written notice given to the Director and the Review Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Review Board.

7.—(1) The chairman of the Review Board shall fix a time, ^{Hearing by Review Board} date and place at which the Review Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(2) The notice of hearing shall contain, ^{Contents of notice}

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

8.—(1) The Director, the applicant or licensee and the ^{Parties} operator of the research facility, as the case may be, and any other person specified by the Review Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing does ^{Failure to attend} not attend, the Review Board may proceed in his absence and he is not entitled to notice of any further proceedings.

9.—(1) A hearing may be adjourned from time to time by ^{Adjournment} the Review Board on reasonable grounds,

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The Review Board may command the attendance ^{Subpoena} before it of any person as a witness.

(3) The Review Board may require any person, ^{Oaths}

- (a) to give evidence on oath or affirmation at a hearing; and
- (b) to produce such documents and things as the Review Board requires.

(4) The Review Board may admit evidence not given under ^{Idem} oath.

Offences

(5) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the Review Board, makes default in attending; or
- (b) being in attendance as a witness before the Review Board, refuses to take an oath or make an affirmation legally required by the Review Board to be taken or made, or to produce any document or thing in his power or control legally required by the Review Board to be produced by him, or to answer any question to which the Review Board may legally require an answer; or
- (c) does any other thing that would, if the Review Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforcement

(6) The Review Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of party to counsel

10.—(1) Any party may be represented before the Review Board by counsel or agent.

Right of witness to counsel

(2) Any witness may be represented before the Review Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.

Exclusion of counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.

Rights of parties at hearing

11. At a hearing before the Review Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.

Hearings to be open to public; exceptions

12.—(1) All hearings shall be open to the public except where the Review Board finds that,

- (a) public security may be involved; or
- (b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Review Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* ^{Idem} and *b* of subsection 1, the Review Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

13.—(1) At a hearing before the Review Board, ^{Evidence}

- (a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;
- (b) evidence not admissible under clause *a* may be admitted by the Review Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and
- (c) the Review Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing ^{Release of exhibits} shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined.

14.—(1) The Review Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Review Board considers proper, and for this purpose the Review Board may substitute its opinion for that of the Director. ^{Powers of Review Board}

(2) A licence or registration that is suspended or revoked pursuant to a decision of the Review Board under subsection 1 shall, where an appeal is instituted under section 16, remain ^{Licence or registration to remain suspended or revoked} suspended or revoked until the appeal is determined.

(3) The Review Board shall serve each party with a notice of its decision, together with the reasons therefor in writing and a notice stating the right to an appeal under section 16, either personally or by registered mail addressed to the party at his last known address. ^{Notice of decision and right to appeal}

(4) The reasons for the decision shall contain, ^{Contents of reasons for decision}

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When
licence
not to
issue

15.—(1) The Director shall not issue a licence to any person who formerly held a licence as an operator of a supply facility and whose licence was revoked less than one year before the date of the application.

When
research
facility
not to be
registered

(2) The Director shall not register a research facility that was formerly registered and the registration of which was revoked less than one year before the date of the application.

Appeal to
Court of
Appeal

16.—(1) Any party to the hearing before the Review Board may appeal from the decision of the Review Board to the Court of Appeal and the practice and procedure as to appeal proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Material
on appeal

(3) The chairman of the Review Board shall certify to the Registrar of the Supreme Court,

- (a) the notices referred to in subsection 4 of section 4 or subsection 4 of section 6, as the case may be, and in subsection 1 of section 7 and subsection 3 of section 14;
- (b) the written reasons for the decision of the Review Board; and
- (c) all written submissions to the Review Board and other material, including documentary evidence received by it in connection with the hearing.

Decision of
court

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Review Board or direct the Director to do any such act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Review Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.

Idem

(5) The decision of the Court of Appeal is final.

Animals to
be kept
separate

17. Animals that are bred and reared in a supply facility shall, at all times, be maintained by the operator thereof in such manner that they are separate from any other animals owned by him.

18.—(1) No person shall purchase or otherwise acquire an animal from any person in Ontario for use in a research facility except from, Purchase or other acquisition of animals

- (a) the operator of a registered research facility;
- (b) the operator of a pound, under section 24;
- (c) the operator of a supply facility who is,
 - (i) the holder of a licence as an operator of a supply facility, or
 - (ii) exempt under this Act or the regulations from the provisions of subsection 1 of section 3 in respect of the animal.

(2) No operator of a research facility shall sell or otherwise dispose of any dog or cat purchased or otherwise acquired under section 24 to any person other than the operator of a registered research facility in Ontario. Sale or other disposition of dog or cat

(3) Nothing in this section prevents,

Exceptions

- (a) the acquisition by a research facility of a dog or cat that has been donated to the research facility by the owner thereof;
- (b) the return by the research facility of a dog or cat acquired under clause c of subsection 6 of section 24 to the person who was the owner thereof before it came into possession of the operator of the pound; or
- (c) the acquisition by the operator of a supply facility of breeding stock from any person not referred to in subsection 1.

19. The operator of a registered research facility shall submit to the Director such reports respecting animals used in the research facility for research as may be prescribed in the regulations. Reports

20.—(1) Every animal used in a registered research facility in any experiment that is likely to result in pain to the animal shall be anaesthetized so as to prevent the animal from suffering unnecessary pain. Animals to be anaesthetized

(2) The operator of a research facility shall provide analgesics adequate to prevent an animal from suffering unnecessary pain during the period of its recovery from any procedure used in an experiment. Analgesics to be provided

Animal care
committee

21.—(1) Every person or body of persons having control of a registered research facility or facilities shall establish in connection therewith an animal care committee, one of the members of which shall be a veterinarian.

Responsi-
bility of
committee

(2) Every animal care committee established under subsection 1 shall be responsible for co-ordinating and reviewing,

- (a) the activities and procedures relating to the care of animals;
- (b) the standards of care and facilities for animals;
- (c) the training and qualifications of personnel that are engaged in the care of animals; and
- (d) procedures for the prevention of unnecessary pain including the use of anaesthetics and analgesics,

in every research facility in connection with which the animal care committee is established, having regard to the requirements of this Act and the regulations.

Filing of
research
project
proposal
with animal
care
committee

(3) The operator of a research facility shall, prior to conducting any research project in which animals are to be used, file, or cause to be filed, with the animal care committee a research project proposal setting forth the nature of all procedures to be used in connection with such animals, the number and type of animals to be used and the anticipated pain level that any such animal is likely to experience.

Committee
to make
orders

(4) Where an animal care committee has reason to believe that there is, will be or has been an offence committed against section 20 in any research facility in connection with which it is established, the animal care committee shall order,

- (a) that any research in connection with such offence be stopped or not proceeded with; and
- (b) that where such research has caused, in any animal, severe pain or illness that cannot be alleviated, such animal be forthwith humanely destroyed.

Appoint-
ment of
chief
inspector
and
inspectors

22.—(1) The Minister shall appoint a chief inspector who is a veterinarian and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. Certificate of appointment

(3) Subject to subsections 4, 5, 6, 7 and 8, an inspector, for the purpose of carrying out his duties under this Act, may, upon production of a certificate of his appointment, Powers of inspectors

(a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are animals that are used, or that are intended to be used, in research and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any animal therein;

(b) enter any pound and inspect the pound, any facilities or equipment therein and any animals therein; and

(c) demand the production or furnishing by the owner or custodian thereof of any books, records, documents or of extracts therefrom relating to animals that,

(i) are in a pound, or

(ii) he believes on reasonable and probable grounds are used or intended to be used in research.

(4) Except under the authority of a warrant under section 14 of *The Summary Convictions Act*, an inspector shall not enter any part of a dwelling without the consent of the owner or tenant unless, Entry of dwellings R.S.O. 1960, c. 387

(a) the occupant is a licensed operator of a supply facility; and

(b) he has reasonable grounds for believing that the occupant is maintaining in such part animals that are used or intended to be used in research.

(5) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*. When powers to be exercised R.S.O. 1960, c. 387

(6) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the Production and photo-copying of records, etc.

purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certifi-
cation of
photocopy

(7) Where a book, record, document or extract has been photocopied under subsection 6, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 6 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand
to be in
writing

(8) Where an inspector makes a demand under clause *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

1955, c. 58,
not to
apply

(9) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of animals in the possession of the operator of a registered research facility or of a licensed operator of a supply facility.

Obstruction
of inspector

23. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Redemption
period

24.—(1) The minimum redemption period shall be three days, excluding the day on which the dog or cat was impounded, or such longer period as the regulations prescribe and holidays shall not be included in calculating any redemption period.

Idem

(2) The council of a local municipality may, by by-law, fix a redemption period that is longer than the minimum redemption period prescribed by or under this Act and shall file a copy of any such by-law with the Director.

Repeal or
amendment
of by-law

(3) Except with the approval in writing of the Director, no by-law referred to in subsection 2 shall be repealed or amended.

Notification
by operator

(4) Where the operator of a pound has impounded a dog or cat that has a tag, name plate or other means of identification, he shall,

- (a) notify the nearest office of the Ontario Society for the Prevention of Cruelty to Animals or any society affiliated therewith, except where the pound is operated by such society or affiliated society; and

- (b) take all reasonable steps to find the owner of the dog or cat and shall forthwith notify the owner, if found, that the dog or cat has been impounded.

(5) During the redemption period and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may return the dog or cat to the person who owned it before it came into his possession, subject to the payment of such damages, fines and expenses as are required by law. ^{Dog or cat not to be destroyed}

(6) After the redemption period has expired and subject to subsection 7, the operator of a pound shall not destroy or cause or permit to be destroyed any dog or cat that is in the pound but he may, ^{Idem}

- (a) return the dog or cat to the person who owned it before it came into the possession of the operator of the pound, subject to the payment of such damages, fines and expenses as are required by law;
- (b) sell the dog or cat, dispose of it by gift or hold it in possession for sale or disposal by gift to a *bona fide* purchaser or donee,
 - (i) as a pet,
 - (ii) for use in hunting, or
 - (iii) for working purposes; or
- (c) sell the dog or cat to the operator of a registered research facility in Ontario who has requested the operator of the pound to sell him a dog or cat, as the case may be.

(7) Notwithstanding subsection 5 or 6, the operator of a pound may destroy or cause or permit to be destroyed any dog or cat that has been impounded in the pound where, ^{Where dog or cat may be destroyed}

- (a) the person who owned the dog or cat before it came into the possession of the operator of the pound has requested in writing that the dog or cat be destroyed;
- (b) an inspector or veterinarian has ordered that the dog or cat be destroyed pursuant to subsection 11;
- (c) the dog or cat has been impounded in the pound for the redemption period and the operator of the pound has satisfied all requests referred to in clause c of subsection 6 from operators of research facilities; or

(d) during the redemption period, the dog or cat is in a pound and,

(i) is ill or injured and in his opinion is incapable of being so cured or healed as to live thereafter without suffering; and

(ii) he has satisfied all requests referred to in clause *c* of subsection 6 from operators of research facilities.

Sale price
of dog or
cat

(8) Where the operator of a pound sells a dog or cat to the operator of a research facility under subsection 6, the price of the dog or cat,

(a) where no maximum price has been prescribed in the regulations in respect of the dog or cat, shall not exceed a price that is reasonable having regard to all the circumstances; or

(b) shall not exceed the maximum price prescribed in the regulations in respect of the dog or cat.

Additional
amount
payable

(9) In addition to the price paid for a dog or cat under clause *b* of subsection 8, the operator of a pound may require the operator of a research facility to pay such amount as is prescribed in the regulations in respect of the care, treatment, food and accommodation of a dog or cat.

No payment
to be made
to operator
of pound

(10) Where a dog or cat is sold or otherwise disposed of in a manner referred to in subsection 6, no person shall make any payment in respect of the dog or cat to the operator of the pound or any person employed therein but shall make such payment in the manner and to such other person as is prescribed in the regulations.

Order for
destruction
of dog
or cat

(11) An inspector or veterinarian may order a dog or cat to be destroyed,

(a) where, during the redemption period, the dog or cat is in a pound and is ill or injured and, in the opinion of the inspector or veterinarian, is incapable of being so cured or healed as to live thereafter without suffering; or

(b) where the dog or cat,

(i) is in a pound, supply facility or research facility,

(ii) has not, where it is in a pound, been redeemed by its owner within the redemption period, and

- (iii) is, in the opinion of the inspector or veterinarian, not suitable for use in research by reason of ill health, injury, malnutrition, excessive age or other infirmity.

(12) Where the operator of a pound has in his possession a dog or cat that is impounded pursuant to a by-law of a local municipality, he shall at all times identify the dog or cat in such manner as is prescribed in the regulations. Identification of dog or cat

(13) This section does not apply to an animal that by reason of being suspected of being infected with any communicable disease is confined in a pound pursuant to *The Public Health Act* or the *Animal Contagious Diseases Act* (Canada). Exception as to certain animals R.S.O. 1960, c. 321 R.S.C. 1952, c. 9

25.—(1) Every person who contravenes any of the provisions of this Act, other than section 19, or the regulations, other than a regulation made under clause *h*, *j* or *l* of section 27, or of an order made under subsection 3 of section 21, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. Offence

(2) Every person who contravenes the provisions of section 19 or of a regulation made under clause *h*, *j* or *l* of section 27, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100. Idem

26. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a pound, research facility or supply facility or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such pound, research facility or supply facility absolutely or for such period as seems just. Injunction proceedings

27. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;

- (b) providing for the manner of registering research facilities in Ontario, prescribing the fees payable therefor, and prescribing terms and conditions for such registration;
- (c) prescribing further procedures for hearings before the Review Board;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a research facility, supply facility or pound or any class thereof;
- (e) prescribing standards for the health, welfare and care of animals, or any class thereof, in a research facility, supply facility or pound;
- (f) prescribing facilities and equipment for the transportation of animals that are used or are intended to be used by a research facility;
- (g) classifying research facilities, requiring the operators of any class of research facility to provide for the services of a veterinarian in connection with the care of animals in the research facility and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (h) prescribing the records to be made and kept by the operator of a research facility, supply facility or pound, or any class thereof, and prescribing the places at which such records shall be kept;
- (i) prescribing reports to be submitted to the Director by the operator of a research facility;
- (j) prescribing methods for the identification of animals;
- (k) subject to subsection 1 of section 24, prescribing the redemption period in respect of dogs or cats or any class thereof;
- (l) determining from time to time the maximum prices that shall be paid for dogs or cats or any class thereof by the operators of research facilities, to the operators of pounds, determining different prices for different parts of Ontario and prescribing the manner in which and the person to whom such prices shall be paid;

- (m) prescribing for the purposes of subsection 9 of section 24, an amount or amounts that the operator of a pound may require the operator of a research facility to pay respecting the care, treatment, food and accommodation of a dog or cat;
- (n) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons, or any animal or class of animals and prescribing the terms and conditions therefor;
- (o) prescribing forms and providing for their use;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

28. This Act comes into force on a day to be named by ^{Commence-}ment the Lieutenant Governor by his proclamation.

29. This Act may be cited as *The Animals for Research* ^{Short title} Act, 1968-69.

An Act respecting the
Care and Provision of Animals for Research

1st Reading

June 17th, 1969

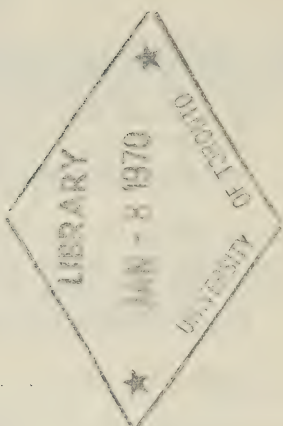
2nd Reading

December 11th, 1969

3rd Reading

December 17th, 1969

MR. STEWART



BILL 195

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act respecting Health Services Insurance

MR. DYMOND



TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill establishes a Plan of Health Services Insurance that incorporates the criteria provided for by the *Medical Care Act* (Canada).

BILL 195

1968-69

An Act respecting Health Services Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*; ^{1967, c. 100}
- (b) "Council" means the Health Services Insurance Council;
- (c) "dependant" means a dependant of an insured person as defined in the regulations;
- (d) "designated agent" means an agent designated by the regulations and authorized to discharge certain functions and responsibilities under an agreement made under section 5;
- (e) "Director" means the Executive Director of the Health Services Insurance Division of the Department of Health;
- (f) "insured health services" means all services rendered by physicians that are medically required, and such other health services as are rendered by such practitioners and under such conditions and limitations as are prescribed by the regulations, but not including services that a person is eligible for and entitled to under the *Hospital Insurance and Diagnostic Services Act* (Canada) or under any other Act of the Parliament of Canada except the *Medical Care Act* ^{R.S.C. 1952, c. 28} (Canada) or under *The Workmen's Compensation Act*; ^{1966, c. 64 (Can.)} ^{R.S.O. 1960, c. 437}
- (g) "insured person" means a person who is entitled to insured services under this Act and the regulations;

- (h) "Minister" means the Minister of Health;
- (i) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (j) "Plan" means the Health Services Insurance Plan established under section 3;
- (k) "practitioner" means a person other than a physician who is lawfully entitled to render insured health services in the place where they are rendered;
- (l) "Registrar" means the Registrar of the Health Insurance Registration Board;
- (m) "regulations" means the regulations made under this Act;
- (n) "resident" means a person lawfully entitled to be or remain in Canada, who makes his home and is ordinarily present in Ontario, but does not include a tourist, transient or visitor to Ontario, or a member of the Canadian Forces, or a member of the Royal Canadian Mounted Police Force, or a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada).

R.S.C. 1952,
c. 206

Provincial
authority
for purposes
of 1966,
c. 64 (Can.)

Health
Services
Insurance
Plan
established

Audit
of Plan

Functions
of H.I.R.B.

2. The Minister is responsible in respect of the administration and operation of the Plan and is the provincial authority for Ontario for the purposes of the *Medical Care Act* (Canada).

3.—(1) The Health Services Insurance Plan is established for the purpose of providing for insurance of the costs of insured health services and such other services on a non-profit basis on uniform terms and conditions available to all residents of Ontario, in accordance with this Act, and providing other health benefits related thereto.

(2) The accounts and financial transactions of the Plan shall be audited annually by the Provincial Auditor.

4.—(1) It is the function of the Board and it has power,

- (a) to determine eligibility and collect premiums for health services insurance as established under this Act and perform all functions necessary for the purpose; and
- (b) perform such other duties as are assigned by this Act and the regulations.

(2) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof, and shall perform such other duties as are assigned to him by this Act or the regulations.

5. The Minister may enter into an agreement with any person to designate such person as an agent,

- (a) to determine eligibility for health services insurance and to enrol subscribers;
- (b) to collect premiums for health services insurance;
- (c) to pay individual claims for insured health services which have been approved and assessed by the Director in the amounts determined by him; and
- (d) to perform such other ancillary and incidental functions as are necessary for the administration of the Plan not inconsistent with this Act or the *Medical Care Act* (Canada),

or any of them.

6.—(1) Every person who is resident of Ontario is entitled to become an insured person upon application therefor to the Board or a designated agent in accordance with this Act and the regulations.

(2) Every dependant of a person who is an insured person as a member of a mandatory group or collector's group or as a pay-direct participant is an insured person.

7.—(1) Every insured person is entitled to payment to himself or on his behalf of the amount prescribed under this Act for the cost of insured health services provided by a physician or practitioner after the 1st day of October, 1969 and during the period in respect of which his premium is paid other than insured services for which the cost is payable under *The Hospital Services Commission Act* or would be payable if the insured person were an insured person under that Act.

(2) Where a person becomes an insured person, he is entitled to payment for insured health services commencing on the first day of the third month after his eligibility is confirmed by the Registrar or a designated agent provided that the first premium therefor is paid before that day.

Exception (3) The waiting period referred to in subsection 2 does not apply to a person who is entitled to become an insured person and who applies therefor before the 1st day of October, 1969.

Transfer of OMSIP subscribers 1965, c. 70 **8.**—(1) Every person who is a covered person under *The Medical Services Insurance Act, 1965* immediately before this Act comes into force shall be deemed to be an insured person under this Act until the expiration of the period for which his premium is paid under that Act.

Transfer of private insurance subscribers (2) Every person who is eligible to become an insured person under this Act and who is insured for medical services,

R.S.O. 1960, c. 190 (a) under a plan of an insurer licensed under *The Insurance Act*; or

R.S.O. 1960, c. 304 (b) under a plan of an association registered under *The Prepaid Hospital and Medical Services Act*,

immediately before this Act comes into force shall be deemed to be an insured person under this Act and entitled to payment for insured health services received on or after the 1st day of October, 1969 and subsection 1 of section 25 does not apply in respect of insured health services performed under a plan referred to in clause *a* or *b* before that date.

Private coverage during initial waiting period (3) The waiting period referred to in subsection 2 of section 7 does not apply to a person referred to in subsection 1 or 2.

Enrolment of immigrants R.S.C. 1952, c. 325 (4) Every person who is an immigrant as defined in the *Immigration Act* (Canada) for permanent residence in Ontario and applies to become an insured person within three months of his arrival is entitled to payment of the costs of insured health services from the date he becomes an insured person.

Mandatory group **9.**—(1) The employees of an employer are a mandatory group if the number of employees, who are residents of Ontario, including the employer if he is an individual or a member of a partnership, totals fifteen or more.

Voluntary creation of mandatory group (2) Where the employees of an employer, who are residents of Ontario, including the employer if he is an individual or a member of a partnership, total more than five but fewer than fifteen, the Board or designated agent shall upon application therefor designate the group as a mandatory group.

Coverage (3) Every person who is a member of a mandatory group shall be an insured person in accordance with this Act and the regulations.

10.—(1) The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act or such part as is agreed upon by the employer and his employee, but each member of the group is primarily liable to pay the premium. Deductions by employer

(2) Nothing in this Act shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable in respect of his employees. Contributions by employer

(3) No person shall make any charge for acting in his capacity as the employer of a mandatory group. No service charge

11.—(1) Upon the application of an organization having five or more members who are residents of Ontario and wish to apply for health services insurance, the Board or a designated agent shall designate the organization a collector's group and shall designate an appropriate person as the collector. Collector's groups

(2) Each member of the group is primarily liable to pay the premium. Liability to pay premium

(3) No person shall make any charge for acting in his capacity as a collector. No service charge

(4) The Board may, at the request of the Government of Canada, designate as a collector's group any group for whom and on whose behalf the Government of Canada undertakes to remit the premiums and information in the prescribed form. Government of Canada groups

12. Every person who receives, retains or withholds any amount for the purpose of paying a premium on behalf of an insured person shall be deemed to have received and to be holding the amount in trust for the Treasurer of Ontario and all accounts of such premium amounts shall be kept separate and apart from his own money. Premiums for remittance in trust

13. The premium for health services insurance for a single insured person or an insured person and one dependant or an insured person and two or more dependants, shall be such amounts as are prescribed by the regulations. Amount of premiums

14. All premiums for health services insurance shall be remitted to the Registrar or a designated agent and shall be made payable to the Treasurer of Ontario. Remission of premiums

15. This Act shall not be administered or construed to affect the right of an insured person to choose his own physician or practitioner, and does not impose any obligation upon any physician or practitioner to treat an insured person. Choice of physician or practitioner

Change of
residence
to another
participat-
ing province

16. An insured person who becomes a resident of another province is entitled to remain insured and to payment for insured health services rendered to him,

1966, c. 64
(Can.)

(a) where he becomes a resident of a participating province under the *Medical Care Act* (Canada), until his coverage under the medical care insurance plan of that province takes effect or until the expiration of a period of four months, whichever occurs first; and

(b) where he becomes a resident of a non-participating province, or any other jurisdiction, until the expiration of a period of four months,

on the same basis as though he had not ceased to be a resident of Ontario.

Premium
assistance

17. The Board may grant assistance in the payment of premiums for such persons and in such amounts as are determined in accordance with the regulations.

Application
for
temporary
assistance

18.—(1) Any person who is unable to continue payment of his premiums due to unemployment, illness, disability or financial hardship may, within the first thirty days of his default, apply to the Board for assistance in continuing his entitlement to insured services.

Granting
temporary
assistance

(2) The Board may direct that an applicant under subsection 1 be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship.

Payment
for insured
health
services

19.—(1) Subject to subsection 2 of section 21, payment for insured health services rendered by a physician shall be for 90 per cent of the schedule of fees of the Ontario Medical Association in effect on the day this Act comes into force, including any minor amendment thereto in respect of any ancillary or incidental matter or in respect of a new procedure.

Idem

(2) Payment for insured health services rendered by a physician outside Ontario shall be in the amount actually billed by the physician or the amount provided for in subsection 1, whichever is the lesser.

Idem

(3) Payment for insured health services rendered by a practitioner, whether within or outside Ontario, shall be in an amount prescribed by the regulations.

Commuta-
tion of fees

20. The Minister may enter into arrangements for the payment of remuneration to physicians or practitioners rendering insured health services to insured persons on a basis other than fee for service.

21.—(1) At least six months before any revision of the schedule of fees of the Ontario Medical Association, the Ontario Medical Association shall notify the Minister of the proposed revision and the Minister shall implement discussions with representatives of the Ontario Medical Association respecting the extent of any proposed change in the schedule of fees. Revision of O.M.A. schedule of fees

(2) Where the revised schedule of fees results in an increase in the costs of insured health services under the Plan, the Lieutenant Governor in Council may, notwithstanding subsection 1 of section 19, establish by regulation the schedule of payment that shall be made to physicians for insured health services. Prescribing new schedule by regulation

(3) No schedule of payments shall be prescribed by regulation under this section that disqualifies the Plan for contribution by the Government of Canada under the *Medical Care Act* (Canada). Idem 1966, c. 64 (Can.)

22.—(1) Where the physician or the practitioner intends to charge the insured person an amount more than is payable for the insured health service under the Plan, he shall so advise the patient prior to rendering the service. Charges more than payable under Plan

(2) Every physician and practitioner who performs an insured health service for an insured person shall provide the insured person, or designated agent or the Director, with the particulars of his services and account that are required by this Act and the regulations for the purpose of payment of the claim. Particulars of account

(3) Every insured person shall be deemed to have authorized his physician or practitioner who performed insured health services to provide the Director with such information respecting the insured health services performed as the Director requires for the purposes of the Plan. Information authorized

23.—(1) Each member of the Board and the Council and each person employed in the administration of this Act including each employee of a designated agent shall preserve secrecy with respect to all matters that come to his knowledge in the course of his employment and that pertain to insured health services rendered and payments made therefor, and shall not communicate any such matters to any other person except as otherwise provided in this section. Information confidential

(2) A person referred to in subsection 1 may furnish information pertaining to the date on which insured health services were provided, the name and address of the person Exceptions re administration, etc.

who provided the service, the amounts paid under the Plan for that service and the person to whom they were paid, but such information may be furnished only,

- 1966, c. 64
(Can.)
- (a) in connection with the administration of this Act and the regulations or the *Medical Care Act* (Canada); or
 - (b) in proceedings under this Act or the regulations; or
 - (c) to the person who provided that service, his solicitor or personal representative, the committee of his estate, his trustee in bankruptcy or other legal representative; or
 - (d) to the person who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person.

Exception
for
statistical
purposes

(3) Information referred to in subsection 1 may, with the approval of the Minister, be published by the Department of Health in statistical form if the individual names of persons are not thereby revealed.

Exception
for
professional
discipline

(4) With the consent of the Director, information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by a person who provided the service may be disclosed or communicated to the statutory body governing the profession or a professional association of which he is a member if an officer of that body or association makes a written request therefor and states that the information is required for the purposes of investigating a complaint against one of its members or for use in disciplinary proceedings involving that member.

Evidence

(5) No person engaged in the administration of this Act shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the discharge of his duties except in a proceeding under or authorized by this Act.

Information
provided
to Plan

24. No action lies against a person providing insured health services or a member of his staff in respect of the furnishing to the Plan of information relating to insured health services provided by him.

Other
health
services
insurance
prohibited

25.—(1) After this Act comes into force, no person shall enter into, renew or make or receive a payment or receive a benefit under any contract of insurance for payment, all or

any part of the cost of insured health services performed in Ontario, received by any person eligible to become an insured person under this Act.

(2) Subsection 1 does not apply to a contract of insurance entered into by a resident whose principal employment is in the United States of America and who is entitled to enter into the contract by virtue of his employment. Exceptions

26.—(1) There shall be a Health Services Insurance Council, consisting of not fewer than nine members who shall be appointed by the Lieutenant Governor in Council and of whom a majority are representatives of the public, two are representatives of the medical profession nominated by the Ontario Medical Association and two are representatives of the designated agents. Health
Services
Insurance
Council

(2) The Lieutenant Governor in Council shall designate one of the members of the Council who are representatives of the public as chairman, and in the case of a tie vote, the chairman shall have an additional vote. Chairman

(3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council having regard to the balance of representation provided in subsection 1. Vacancies

(4) A majority of the members of the Council constitutes a quorum. Quorum

27.—(1) The functions of the Council are, Functions

- (a) to receive and investigate complaints in respect of the operation of the Plan;
- (b) to advise and make recommendations to the Minister in respect of the operation of the Plan;
- (c) on the direction of the Minister, to conduct the discussions with the Ontario Medical Association referred to in subsection 1 of section 20 and report and make recommendations to the Minister in respect thereof;
- (d) advise and make recommendations to the Minister respecting the premium rate; and
- (e) perform any other function given it by the Minister or by any Act or regulation.

Requiring
information

(2) For the purposes of clause *a* of subsection 1, the Council may require any designated agent or the Board or the Director to furnish the Council with such information respecting the matter complained of as the Council requires.

Committees

28. The Director may refer any claim or claims to a committee established under clause *k* of section 32 for the purpose of assessing claims and the amounts thereof with particular reference to possible misuse or abuse of the Plan, and the committee shall report its conclusions and recommendations to the Director.

Offence,
receiving
payment
by fraud

29. Every person who,

- (a) obtains payment under this Act or the regulations for insured health services for himself or for his benefit; or
- (b) aids or abets any other person in obtaining payment under this Act or the regulations for insured health services for such other person or for his benefit,

knowing that he or such other person is not entitled to the payment, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Offence,
failure
to remit
premiums

30.—(1) Subject to subsection 2, an employer, collector or designated agent who fails to remit the premiums required to be remitted under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$2,000.

Order
to pay
premiums

(2) Where an employer, collector or designated agent is convicted of an offence under subsection 1, the provincial judge shall determine the amount of the premiums the employer failed to remit and shall make an order requiring the person convicted to pay the amount so determined to the Registrar.

Liability
of officers
and
directors

(3) Every director or officer of a corporation who knowingly concurs in a failure to remit the premiums required to be remitted by the corporation under this Act is liable, jointly and severally with every other such officer and director, to make payment ordered to be made under subsection 2.

Liability of
directors on
winding up

31. Where an employer, collector or designated agent that is a corporation fails to remit the premiums required to be remitted under this Act, and

- (a) goes into liquidation;

- (b) is ordered to be wound up;
- (c) makes an authorized assignment under the *Bankruptcy Act* (Canada); or R.S.C. 1952,
c. 14
- (d) has a receiving order under the *Bankruptcy Act* (Canada) made against it,

the directors thereof are jointly and severally liable for the payment of the amount of the premiums in default.

32. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) providing for the enrolment of persons as insured persons;
- (b) prescribing who are dependants of insured persons for the purposes of this Act;
- (c) prescribing the persons who shall be deemed employees for the purposes of sections 9 and 10 and the employees who shall be members of a mandatory group;
- (d) governing the collection, accounting for and remission of premiums by employers of mandatory groups and by collectors and requiring employers and collectors to furnish such information and returns as is prescribed;
- (e) prescribing the amounts of premium payable for a single insured person, an insured person and one dependant and an insured person and two or more dependants and governing the time and manner of payment;
- (f) prescribing the qualifications for assistance in the payment of premiums and for determining the amount thereof;
- (g) specifying what services other than medical services are insured health services for the purposes of the Plan, and prescribing what practitioners may render such services and under what conditions such services are insured health services, and prescribing the amount of payment for such insured health services;
- (h) prescribing services that shall be deemed not to be insured health services for the purposes of this Act and the conditions under which the costs of any

class of insured health services are payable and limiting the payment commensurate with the circumstances of the performance of the services;

- (i) providing for the making of claims for payment of the cost of insured health services and prescribing the information that shall be furnished in connection therewith;
- (j) designating persons with whom agreements under section 5 have been entered into;
- (k) establishing committees for the purpose of section 28;
- (l) prescribing additional duties of the Council, Director, Board or Registrar;
- (m) providing for payment to the Treasurer of Ontario by insurers of the amounts of claims in respect of the cost of insured health services that would otherwise be payable to insured persons;
- (n) subrogating the Health Services Insurance Division to any rights of recovery by an insured person in respect of payments for insured health services paid by the Division and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled;
- (o) specifying categories of persons to whom the waiting period referred to in subsection 2 of section 7 does not apply;
- (p) establishing programs for other health benefits referred to in subsection 1 of section 3 and prescribing the terms and conditions of such programs;
- (q) prescribing forms for purposes of this Act and providing for their use.

Moneys

33. The expenditures necessary for the purposes of the Plan shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

1965, c. 70
1966, c. 86
1967, c. 50
1968, c. 70
1968-69,
c.
repealed

34. *The Medical Services Insurance Act, 1965, The Medical Services Insurance Amendment Act, 1966, The Medical Services Insurance Amendment Act, 1967, The Medical Services Insurance Amendment Act, 1968 and The Medical Services Insurance Amendment Act, 1968-69* are repealed.

35.—(1) This Act, except section 34, comes into force ^{Commence-} on the day it receives Royal Assent._{ment}

(2) Section 34 comes into force on the 1st day of October, ^{Idem} 1969.

36. This Act may be cited as *The Health Services Insurance* ^{Short title} *Act, 1968-69.*

An Act respecting
Health Services Insurance

1st Reading

June 17th, 1969

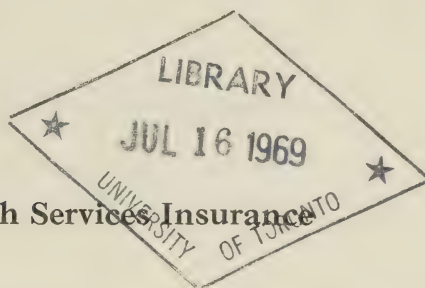
2nd Reading

3rd Reading

MR. DYMOND

BILL 195

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act respecting Health Services Insurance

MR. DYMOND

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill establishes a Plan of Health Services Insurance that incorporates the criteria provided for by the *Medical Care Act* (Canada).

BILL 195

1968-69

An Act respecting Health Services Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*; 1967, c. 100
- (b) "Council" means the Health Services Insurance Council;
- (c) "dependant" means a dependant of an insured person as defined in the regulations;
- (d) "designated agent" means an agent designated by the regulations and authorized to discharge certain functions and responsibilities under an agreement made under section 5;
- (e) "Director" means the Executive Director of the Health Services Insurance Division of the Department of Health;
- (f) "insured health services" means all services rendered by physicians that are medically required, and such other health services as are rendered by such practitioners and under such conditions and limitations as are prescribed by the regulations, but not including services that a person is eligible for and entitled to under the *Hospital Insurance and Diagnostic Services Act* (Canada) or under any other Act of the Parliament of Canada except the *Medical Care Act* (Canada) or under *The Workmen's Compensation Act*; R.S.C. 1952,
c. 28
1966, c. 64
(Can.)
R.S.O. 1960,
c. 437
- (g) "insured person" means a person who is entitled to insured services under this Act and the regulations;

- (h) "Minister" means the Minister of Health;
- (i) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (j) "Plan" means the Health Services Insurance Plan established under section 3;
- (k) "practitioner" means a person other than a physician who is lawfully entitled to render insured health services in the place where they are rendered;
- (l) "Registrar" means the Registrar of the Health Insurance Registration Board;
- (m) "regulations" means the regulations made under this Act;
- (n) "resident" means a person lawfully entitled to be or remain in Canada, who makes his home and is ordinarily present in Ontario, but does not include a tourist, transient or visitor to Ontario, or a member of the Canadian Forces, or a member of the Royal Canadian Mounted Police Force, or a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada).

R.S.C. 1952,
c. 206

Provincial
authority
for purposes
of 1966,
c. 64 (Can.)

Health
Services
Insurance
Plan
established

Audit
of Plan

Functions
of H.I.R.B.

2. The Minister is responsible in respect of the administration and operation of the Plan and is the provincial authority for Ontario for the purposes of the *Medical Care Act* (Canada).

3.—(1) The Health Services Insurance Plan is established for the purpose of providing for insurance of the costs of insured health services and such other services on a non-profit basis on uniform terms and conditions available to all residents of Ontario, in accordance with this Act, and providing other health benefits related thereto.

(2) The accounts and financial transactions of the Plan shall be audited annually by the Provincial Auditor.

4.—(1) It is the function of the Board and it has power,

- (a) to determine eligibility and collect premiums for health services insurance as established under this Act and perform all functions necessary for the purpose; and
- (b) perform such other duties as are assigned by this Act and the regulations.

(2) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof, and shall perform such other duties as are assigned to him by this Act or the regulations.

5. The Minister may enter into an agreement with any person to designate such person as an agent,

- (a) to determine eligibility for health services insurance and to enrol subscribers;
- (b) to collect premiums for health services insurance;
- (c) to pay individual claims for insured health services which have been approved and assessed by the Director in the amounts determined by him; and
- (d) to perform such other ancillary and incidental functions as are necessary for the administration of the Plan not inconsistent with this Act or the *Medical Care Act* (Canada),

1966, c. 64
(Can.)

or any of them.

6.—(1) Every person who is resident of Ontario is entitled to become an insured person upon application therefor to the Board or a designated agent in accordance with this Act and the regulations.

(2) Every dependant of a person who is an insured person as a member of a mandatory group or collector's group or as a pay-direct participant is an insured person.

7.—(1) Every insured person is entitled to payment to himself or on his behalf of the amount prescribed under this Act for the cost of insured health services provided by a physician or practitioner on or after the 1st day of October, 1969 and during the period in respect of which his premium is paid other than insured services for which the cost is payable under *The Hospital Services Commission Act* or would be payable if the insured person were an insured person under that Act.

Payment
for
insured
health
services

R.S.O. 1960,
c. 176

(2) Where a person becomes an insured person, he is entitled to payment for insured health services commencing on the first day of the third month after his eligibility is confirmed by the Registrar or a designated agent provided that the first premium therefor is paid before that day.

Commence-
ment of
services

Exception (3) The waiting period referred to in subsection 2 does not apply to a person who is entitled to become an insured person and who applies therefor before the 1st day of October, 1969.

Transfer of OMSIP subscribers 1965, c. 70 8.—(1) Every person who is a covered person under *The Medical Services Insurance Act, 1965* immediately before this Act comes into force shall be deemed to be an insured person under this Act until the expiration of the period for which his premium is paid under that Act.

Transfer of private insurance subscribers (2) Every person who is eligible to become an insured person under this Act and who is insured for medical services,

R.S.O. 1960, c. 190 (a) under a plan of an insurer licensed under *The Insurance Act*; or

R.S.O. 1960, c. 304 (b) under a plan of an association registered under *The Prepaid Hospital and Medical Services Act*,

immediately before this Act comes into force shall be deemed to be an insured person under this Act and entitled to payment for insured health services received on or after the 1st day of October, 1969.

Private coverage during initial waiting period (3) The waiting period referred to in subsection 2 of section 7 does not apply to a person referred to in subsection 1 or 2.

Enrolment of immigrants R.S.C. 1952, c. 325 (4) Every person who is an immigrant as defined in the *Immigration Act* (Canada) for permanent residence in Ontario and applies to become an insured person within three months of his arrival is entitled to payment of the costs of insured health services from the date he becomes an insured person.

Mandatory group 9.—(1) The employees of an employer are a mandatory group if the number of employees, who are residents of Ontario, including the employer if he is an individual or a member of a partnership, totals fifteen or more.

Voluntary creation of mandatory group (2) Where the employees of an employer, who are residents of Ontario, including the employer if he is an individual or a member of a partnership, total more than five but fewer than fifteen, the Board or designated agent shall upon application therefor designate the group as a mandatory group.

Coverage (3) Every person who is a member of a mandatory group shall be an insured person in accordance with this Act and the regulations.

10.—(1) The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act or such part as is agreed upon by the employer and his employee, but each member of the group is primarily liable to pay the premium. Deductions
by employer

(2) Nothing in this Act shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable for insurance in respect of his employees and any obligation of the employer thereunder to pay all or any part of the premium for insured health services continues in respect of the payment of the premium for insured health services under this Act. Agreements
for
employer's
contribution

(3) Where the amount required to be paid under an agreement referred to in subsection 1 by the employer as premium for insured health services, or the part of such amount that is referable to insured health services, is greater than the amount the employer is, by virtue of subsection 1, required to pay in respect of the premium under this Act, the employer shall, until the agreement is terminated, pay the amount of the excess to or for the benefit of the employees and section 34 of *The Labour Relations Act* applies to differences arising in the application of this subsection in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. Where cost
of insurance
is reduced

(4) The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted. Effect of
deduction
by employer

(5) No person shall make any charge for acting in his capacity as the employer of a mandatory group. No service
charge

11.—(1) Upon the application of an organization having five or more members who are residents of Ontario and wish to apply for health services insurance, the Board or a designated agent shall designate the organization a collector's group and a member of the group nominated by the group and approved by the Board shall be the collector. Collector's
groups

(2) Each member of the group is primarily liable to pay the premium. Liability
to pay
premium

(3) No person shall make any charge for acting in his capacity as a collector. No service
charge

Government of
Canada
groups

(4) The Board may, at the request of the Government of Canada, designate as a collector's group any group for whom and on whose behalf the Government of Canada undertakes to remit the premiums and information in the prescribed form.

Premiums
for
remittance
in trust

12. Every person who receives, retains or withholds any amount for the purpose of paying a premium on behalf of an insured person shall be deemed to have received and to be holding the amount in trust for the Treasurer of Ontario and all accounts of such premium amounts shall be kept separate and apart from his own money.

Amount of
premiums

13. The premium for health services insurance for a single insured person or an insured person and one dependant or an insured person and two or more dependants, shall be such amounts as are prescribed by the regulations.

Remission
of premiums

14. All premiums for health services insurance shall be remitted to the Registrar or a designated agent and shall be made payable to the Treasurer of Ontario.

Choice of
physician
or practi-
tioner

15. This Act shall not be administered or construed to affect the right of an insured person to choose his own physician or practitioner, and does not impose any obligation upon any physician or practitioner to treat an insured person.

Change of
residence
to another
participat-
ing province

16. An insured person who becomes a resident of another province is entitled to remain insured and to payment for insured health services rendered to him,

1966, c. 64
(Can.)

(a) where he becomes a resident of a participating province under the *Medical Care Act* (Canada), until his coverage under the medical care insurance plan of that province takes effect or until the expiration of a period of four months, whichever occurs first; and

(b) where he becomes a resident of a non-participating province, or any other jurisdiction, until the expiration of a period of four months,

on the same basis as though he had not ceased to be a resident of Ontario.

Premium
assistance

17. The Board may grant assistance in the payment of premiums for such persons and in such amounts as are determined in accordance with the regulations.

Application
for
temporary
assistance

18.—(1) Any insured person who is unable to continue payment of his premiums due to unemployment, illness, disability or financial hardship may, within the first thirty days of his default, apply to the Board for assistance in continuing his entitlement to insured services.

(2) The Board may direct that an applicant under subsection 1 be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. Granting temporary assistance

19.—(1) Subject to subsection 2 of section 21, payment for insured health services rendered by a physician shall be for 90 per cent of the schedule of fees of the Ontario Medical Association in effect on the day this Act comes into force, including any minor amendment thereto in respect of any ancillary or incidental matter or in respect of a new procedure. Payment for insured health services

(2) Payment for insured health services rendered by a physician outside Ontario shall be in the amount actually billed by the physician or the amount provided for in subsection 1, whichever is the lesser. Idem

(3) Payment for insured health services rendered by a practitioner, whether within or outside Ontario, shall be in an amount prescribed by the regulations. Idem

20. The Minister may enter into arrangements for the payment of remuneration to physicians or practitioners rendering insured health services to insured persons on a basis other than fee for service. Commutation of fees

21.—(1) At least six months before any revision of the schedule of fees of the Ontario Medical Association, the Ontario Medical Association shall notify the Minister of the proposed revision and the Minister shall implement discussions with representatives of the Ontario Medical Association respecting the extent of any proposed change in the schedule of fees. Revision of O.M.A. schedule of fees

(2) Where the revised schedule of fees results in an increase in the costs of insured health services under the Plan, the Lieutenant Governor in Council may, notwithstanding subsection 1 of section 19, establish by regulation the schedule of payment that shall be made for insured health services rendered by physicians. Prescribing new schedule by regulation

(3) No schedule of payments shall be prescribed by regulation under this section that disqualifies the Plan for contribution by the Government of Canada under the *Medical Care Act* (Canada). Idem 1966, c. 64 (Can.)

22.—(1) Where the physician or the practitioner intends to charge the insured person an amount more than is payable for the insured health service under the Plan, he shall so advise the patient prior to rendering the service. Charges more than payable under Plan

Particulars
of account

(2) Every physician and practitioner who performs an insured health service for an insured person shall provide the insured person, or designated agent or the Director, with the particulars of his services and account that are required by this Act and the regulations for the purpose of payment of the claim.

Information
authorized

(3) Every insured person shall be deemed to have authorized his physician or practitioner who performed insured health services to provide the Director with such information respecting the insured health services performed as the Director requires for the purposes of the Plan.

Information
confidential

23.—(1) Each member of the Board and the Council and each person employed in the administration of this Act including each employee of a designated agent shall preserve secrecy with respect to all matters that come to his knowledge in the course of his employment and that pertain to insured health services rendered and payments made therefor, and shall not communicate any such matters to any other person except as otherwise provided in this section.

Exceptions
re admin-
istration,
etc.

(2) A person referred to in subsection 1 may furnish information pertaining to the date on which insured health services were provided, the name and address of the person who provided the service, the amounts paid under the Plan for that service and the person to whom they were paid, but such information may be furnished only,

1966, c. 64
(Can.)

(a) in connection with the administration of this Act and the regulations or the *Medical Care Act* (Canada); or

(b) in proceedings under this Act or the regulations; or

(c) to the person who provided that service, his solicitor or personal representative, the committee of his estate, his trustee in bankruptcy or other legal representative; or

(d) to the person who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person.

Exception
for
statistical
purposes

(3) Information referred to in subsection 1 may, with the approval of the Minister, be published by the Department of Health in statistical form if the individual names of persons are not thereby revealed.

(4) With the consent of the Director, information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by a person who provided the service may be disclosed or communicated to the statutory body governing the profession or a professional association of which he is a member if an officer of that body or association makes a written request therefor and states that the information is required for the purposes of investigating a complaint against one of its members or for use in disciplinary proceedings involving that member.

Exception
for
professional
discipline

(5) No person engaged in the administration of this Act shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the discharge of his duties except in a proceeding under or authorized by this Act.

Evidence

24. No action lies against a person providing insured health services or a member of his staff in respect of the furnishing to the Plan of information relating to insured health services provided by him.

Information
provided
to Plan



25.—(1) On the 1st day of October, 1969, every contract of insurance for the payment of all or any part of the cost of insured health services performed in Ontario and received by any person eligible to become an insured person under this Act is void and of no effect in so far as it makes provision for insuring against such costs and no person shall enter into or renew such a contract except under this Act.

Other
health
services
insurance
prohibited



(2) Subsection 1 does not apply to a contract of insurance entered into by a resident whose principal employment is in the United States of America and who is entitled to enter into the contract by virtue of his employment.

Exceptions

26.—(1) There shall be a Health Services Insurance Council, consisting of not fewer than nine members who shall be appointed by the Lieutenant Governor in Council and of whom a majority are representatives of the public, two are representatives of the medical profession nominated by the Ontario Medical Association and two are representatives of the designated agents.

Health
Services
Insurance
Council

(2) The Lieutenant Governor in Council shall designate one of the members of the Council who are representatives of the public as chairman, and in the case of a tie vote, the chairman shall have an additional vote.

Chairman

- Vacancies** (3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council having regard to the balance of representation provided in subsection 1.
- Quorum** (4) A majority of the members of the Council constitutes a quorum.
- Functions** **27.**—(1) The functions of the Council are,
- (a) to receive and investigate complaints in respect of the operation of the Plan;
 - (b) to advise and make recommendations to the Minister in respect of the operation of the Plan;
 - (c) on the direction of the Minister, to conduct the discussions with the Ontario Medical Association referred to in subsection 1 of section 21 and report and make recommendations to the Minister in respect thereof;
 - (d) advise and make recommendations to the Minister respecting the premium rate; and
 - (e) perform any other function given it by the Minister or by any Act or regulation.
- Requiring information** (2) For the purposes of clause *a* of subsection 1, the Council may require any designated agent or the Board or the Director to furnish the Council with such information respecting the matter complained of as the Council requires.
- Committees** **28.** The Director may refer any claim or claims to a committee established under clause *k* of section 32 for the purpose of assessing claims and the amounts thereof with particular reference to possible misuse or abuse of the Plan, and the committee shall report its conclusions and recommendations to the Director.
- Offence, receiving payment by fraud** **29.** Every person who,
- (a) obtains payment under this Act or the regulations for insured health services for himself or for his benefit; or
 - (b) aids or abets any other person in obtaining payment under this Act or the regulations for insured health services for such other person or for his benefit,

knowing that he or such other person is not entitled to the payment, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

30.—(1) Subject to subsection 2, an employer, collector or designated agent who fails to remit the premiums required to be remitted under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$2,000. Offence, failure to remit premiums

(2) Where an employer, collector or designated agent is convicted of an offence under subsection 1, the provincial judge shall determine the amount of the premiums the employer failed to remit and shall make an order requiring the person convicted to pay the amount so determined to the Registrar. Order to pay premiums

(3) Every director or officer of a corporation who knowingly concurs in a failure to remit the premiums required to be remitted by the corporation under this Act is liable, jointly and severally with every other such officer and director, to make payment ordered to be made under subsection 2. Liability of officers and directors

31. Where an employer, collector or designated agent that is a corporation fails to remit the premiums required to be remitted under this Act, and Liability of directors on winding up

- (a) goes into liquidation;
- (b) is ordered to be wound up;
- (c) makes an authorized assignment under the *Bankruptcy Act* (Canada); or R.S.C. 1952, c. 14
- (d) has a receiving order under the *Bankruptcy Act* (Canada) made against it,

the directors thereof are jointly and severally liable for the payment of the amount of the premiums in default.

32. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for the enrolment of persons as insured persons;
- (b) prescribing who are dependants of insured persons for the purposes of this Act;
- (c) prescribing the persons who shall be deemed employees for the purposes of sections 9 and 10 and the employees who shall be members of a mandatory group;

- (d) governing the collection, accounting for and remission of premiums by employers of mandatory groups and by collectors and requiring employers and collectors to furnish such information and returns as is prescribed;
- (e) prescribing the amounts of premium payable for a single insured person, an insured person and one dependant and an insured person and two or more dependants and governing the time and manner of payment;
- (f) prescribing the qualifications for assistance in the payment of premiums and for determining the amount thereof;
- (g) specifying what services other than medical services are insured health services for the purposes of the Plan, and prescribing what practitioners may render such services and under what conditions such services are insured health services, and prescribing the amount of payment for such insured health services;
- (h) prescribing services that shall be deemed not to be insured health services for the purposes of this Act and the conditions under which the costs of any class of insured health services are payable and limiting the payment commensurate with the circumstances of the performance of the services;
- (i) providing for the making of claims for payment of the cost of insured health services and prescribing the information that shall be furnished in connection therewith;
- (j) designating persons with whom agreements under section 5 have been entered into;
- (k) establishing committees for the purpose of section 28;
- (l) prescribing additional duties of the Council, Director, Board or Registrar;
- (m) providing for payment to the Treasurer of Ontario by insurers of the amounts of claims in respect of the cost of insured health services that would otherwise be payable to insured persons;
- (n) subrogating the Health Services Insurance Division to any rights of recovery by an insured person in respect of payments for insured health services paid

by the Division and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled;

- (o) specifying categories of persons to whom the waiting period referred to in subsection 2 of section 7 does not apply;
- (p) establishing programs for other health benefits referred to in subsection 1 of section 3 and prescribing the terms and conditions of such programs;
- (q) prescribing forms for purposes of this Act and providing for their use.



33. The Minister shall make a report annually to the Lieutenant Governor in Council upon the affairs of the Plan and every such report shall contain the report of the Provincial Auditor under section 3, which shall include his certificate as to whether the accounts and financial transactions of the Plan including those of designated agents meet the requirements of this Act, and the Minister shall lay the report before the Assembly if it is in session, or if not, at the next ensuing session.

Report to
Assembly



34. The expenditures necessary for the purposes of the Plan shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Moneys

35. *The Medical Services Insurance Act, 1965, The Medical Services Insurance Amendment Act, 1966, The Medical Services Insurance Amendment Act, 1967, The Medical Services Insurance Amendment Act, 1968 and The Medical Services Insurance Amendment Act, 1968-69* are repealed.

1965, c. 70
1966, c. 86
1967, c. 50
1968, c. 70
1968-69,
c.
repealed

36.—(1) This Act, except section 35, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Section 35 comes into force on the 1st day of October, 1969.

37. This Act may be cited as *The Health Services Insurance Act, 1968-69*.

Short title

An Act respecting
Health Services Insurance

1st Reading

June 17th, 1969

2nd Reading

June 24th, 1969

3rd Reading

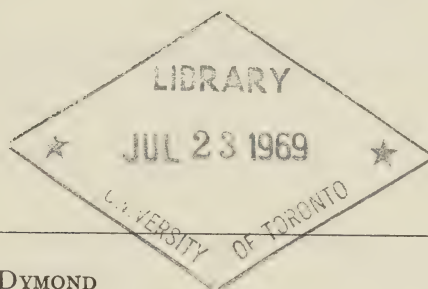
MR. DYMOND

(Reprinted as amended by
the Committee of the Whole House)

BILL 195

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act respecting Health Services Insurance



MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 195

1968-69

An Act respecting Health Services Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Health Insurance Registration Board established under *The Health Insurance Registration Board Act, 1967*; ^{1967, c. 100}
- (b) "Council" means the Health Services Insurance Council;
- (c) "dependant" means a dependant of an insured person as defined in the regulations;
- (d) "designated agent" means an agent designated by the regulations and authorized to discharge certain functions and responsibilities under an agreement made under section 5;
- (e) "Director" means the Executive Director of the Health Services Insurance Division of the Department of Health;
- (f) "insured health services" means all services rendered by physicians that are medically required, and such other health services as are rendered by such practitioners and under such conditions and limitations as are prescribed by the regulations, but not including services that a person is eligible for and entitled to under the *Hospital Insurance and Diagnostic Services Act* (Canada) or under any other Act of the Parliament of Canada except the *Medical Care Act* ^{1966, c. 64 (Can.)} (Canada) or under *The Workmen's Compensation Act*; ^{R.S.C. 1952, c. 28 R.S.O. 1960, c. 437}
- (g) "insured person" means a person who is entitled to insured services under this Act and the regulations;

- (h) "Minister" means the Minister of Health;
- (i) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place in which such practice is carried on by him;
- (j) "Plan" means the Health Services Insurance Plan established under section 3;
- (k) "practitioner" means a person other than a physician who is lawfully entitled to render insured health services in the place where they are rendered;
- (l) "Registrar" means the Registrar of the Health Insurance Registration Board;
- (m) "regulations" means the regulations made under this Act;
- (n) "resident" means a person lawfully entitled to be or remain in Canada, who makes his home and is ordinarily present in Ontario, but does not include a tourist, transient or visitor to Ontario, or a member of the Canadian Forces, or a member of the Royal Canadian Mounted Police Force, or a person serving a term of imprisonment in a penitentiary as defined in the *Penitentiary Act* (Canada).

R.S.C. 1952,
c. 206

Provincial
authority
for purposes
of 1966,
c. 64 (Can.)

2. The Minister is responsible in respect of the administration and operation of the Plan and is the provincial authority for Ontario for the purposes of the *Medical Care Act* (Canada).

Health
Services
Insurance
Plan
established

3.—(1) The Health Services Insurance Plan is established for the purpose of providing for insurance of the costs of insured health services and such other services on a non-profit basis on uniform terms and conditions available to all residents of Ontario, in accordance with this Act, and providing other health benefits related thereto.

Audit
of Plan

(2) The accounts and financial transactions of the Plan shall be audited annually by the Provincial Auditor.

Functions
of H.I.R.B.

4.—(1) It is the function of the Board and it has power,

- (a) to determine eligibility and collect premiums for health services insurance as established under this Act and perform all functions necessary for the purpose; and
- (b) perform such other duties as are assigned by this Act and the regulations.

(2) The Director shall approve and assess claims for insured health services and determine the amounts to be paid and authorize the payment thereof, and shall perform such other duties as are assigned to him by this Act or the regulations.

5. The Minister may enter into an agreement with any person to designate such person as an agent,

- (a) to determine eligibility for health services insurance and to enrol subscribers;
- (b) to collect premiums for health services insurance;
- (c) to pay individual claims for insured health services which have been approved and assessed by the Director in the amounts determined by him; and
- (d) to perform such other ancillary and incidental functions as are necessary for the administration of the Plan not inconsistent with this Act or the *Medical Care Act* (Canada), ^{1966, c. 64 (Can.)}

or any of them.

6.—(1) Every person who is resident of Ontario is entitled to become an insured person upon application therefor to the Board or a designated agent in accordance with this Act and the regulations.

(2) Every dependant of a person who is an insured person as a member of a mandatory group or collector's group or as a pay-direct participant is an insured person.

7.—(1) Every insured person is entitled to payment to himself or on his behalf of the amount prescribed under this Act for the cost of insured health services provided by a physician or practitioner on or after the 1st day of October, 1969 and during the period in respect of which his premium is paid other than insured services for which the cost is payable under *The Hospital Services Commission Act* or would be payable if the insured person were an insured person under that Act.

(2) Where a person becomes an insured person, he is entitled to payment for insured health services commencing on the first day of the third month after his eligibility is confirmed by the Registrar or a designated agent provided that the first premium therefor is paid before that day.

Exception (3) The waiting period referred to in subsection 2 does not apply to a person who is entitled to become an insured person and who applies therefor before the 1st day of October, 1969.

Transfer of OMSIP subscribers 1965, c. 70 8.—(1) Every person who is a covered person under *The Medical Services Insurance Act, 1965* immediately before this Act comes into force shall be deemed to be an insured person under this Act until the expiration of the period for which his premium is paid under that Act.

Transfer of private insurance subscribers (2) Every person who is eligible to become an insured person under this Act and who is insured for medical services,

R.S.O. 1960, c. 190 (a) under a plan of an insurer licensed under *The Insurance Act*; or

R.S.O. 1960, c. 304 (b) under a plan of an association registered under *The Prepaid Hospital and Medical Services Act*,

immediately before this Act comes into force shall be deemed to be an insured person under this Act and entitled to payment for insured health services received on or after the 1st day of October, 1969.

Private coverage during initial waiting period (3) The waiting period referred to in subsection 2 of section 7 does not apply to a person referred to in subsection 1 or 2.

Enrolment of immigrants R.S.C. 1952, c. 325 (4) Every person who is an immigrant as defined in the *Immigration Act* (Canada) for permanent residence in Ontario and applies to become an insured person within three months of his arrival is entitled to payment of the costs of insured health services from the date he becomes an insured person.

Mandatory group 9.—(1) The employees of an employer are a mandatory group if the number of employees, who are residents of Ontario, including the employer if he is an individual or a member of a partnership, totals fifteen or more.

Voluntary creation of mandatory group (2) Where the employees of an employer, who are residents of Ontario, including the employer if he is an individual or a member of a partnership, total more than five but fewer than fifteen, the Board or designated agent shall upon application therefor designate the group as a mandatory group.

Coverage (3) Every person who is a member of a mandatory group shall be an insured person in accordance with this Act and the regulations.

10.—(1) The employer shall deduct from the remuneration of each employee in his mandatory group the premiums required under this Act or such part as is agreed upon by the employer and his employee, but each member of the group is primarily liable to pay the premium. Deductions by employer

(2) Nothing in this Act shall be construed to affect any agreement or arrangement for contribution by an employer of all or any of the premiums payable for insurance in respect of his employees and any obligation of the employer thereunder to pay all or any part of the premium for insured health services continues in respect of the payment of the premium for insured health services under this Act. Agreements for employer's contribution

(3) Where the amount required to be paid under an agreement referred to in subsection 2 by the employer as premium for insured health services, or the part of such amount that is referable to insured health services, is greater than the amount the employer is, by virtue of subsection 2, required to pay in respect of the premium under this Act, the employer shall, until the agreement is terminated, pay the amount of the excess to or for the benefit of the employees and section 34 of *The Labour Relations Act* applies to differences arising in the application of this subsection in the same manner as to differences arising from the interpretation, application, administration or alleged violation of a collective agreement. Where cost of insurance is reduced

(4) The deduction by an employer from the remuneration of an employee in his mandatory group of the premium required under this Act shall discharge the primary liability of that employee to pay the premium so deducted. Effect of deduction by employer

(5) No person shall make any charge for acting in his capacity as the employer of a mandatory group. No service charge

11.—(1) Upon the application of an organization having five or more members who are residents of Ontario and wish to apply for health services insurance, the Board or a designated agent shall designate the organization a collector's group and a member of the group nominated by the group and approved by the Board shall be the collector. Collector's groups

(2) Each member of the group is primarily liable to pay the premium. Liability to pay premium

(3) No person shall make any charge for acting in his capacity as a collector. No service charge

Government of
Canada
groups

(4) The Board may, at the request of the Government of Canada, designate as a collector's group any group for whom and on whose behalf the Government of Canada undertakes to remit the premiums and information in the prescribed form.

Premiums
for
remittance
in trust

12. Every person who receives, retains or withholds any amount for the purpose of paying a premium on behalf of an insured person shall be deemed to have received and to be holding the amount in trust for the Treasurer of Ontario and all accounts of such premium amounts shall be kept separate and apart from his own money.

Amount of
premiums

13. The premium for health services insurance for a single insured person or an insured person and one dependant or an insured person and two or more dependants, shall be such amounts as are prescribed by the regulations.

Remission
of premiums

14. All premiums for health services insurance shall be remitted to the Registrar or a designated agent and shall be made payable to the Treasurer of Ontario.

Choice of
physician
or practi-
tioner

15. This Act shall not be administered or construed to affect the right of an insured person to choose his own physician or practitioner, and does not impose any obligation upon any physician or practitioner to treat an insured person.

Change of
residence
to another
participat-
ing province

16. An insured person who becomes a resident of another province is entitled to remain insured and to payment for insured health services rendered to him,

1966, c. 64
(Can.)

(a) where he becomes a resident of a participating province under the *Medical Care Act* (Canada), until his coverage under the medical care insurance plan of that province takes effect or until the expiration of a period of four months, whichever occurs first; and

(b) where he becomes a resident of a non-participating province, or any other jurisdiction, until the expiration of a period of four months,

on the same basis as though he had not ceased to be a resident of Ontario.

Premium
assistance

17. The Board may grant assistance in the payment of premiums for such persons and in such amounts as are determined in accordance with the regulations.

Application
for
temporary
assistance

18.—(1) Any insured person who is unable to continue payment of his premiums due to unemployment, illness, disability or financial hardship may, within the first thirty days of his default, apply to the Board for assistance in continuing his entitlement to insured services.

(2) The Board may direct that an applicant under subsection 1 be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. Granting temporary assistance

19.—(1) Subject to subsection 2 of section 21, payment for insured health services rendered by a physician shall be for 90 per cent of the schedule of fees of the Ontario Medical Association in effect on the day this Act comes into force, including any minor amendment thereto in respect of any ancillary or incidental matter or in respect of a new procedure. Payment for insured health services

(2) Payment for insured health services rendered by a physician outside Ontario shall be in the amount actually billed by the physician or the amount provided for in subsection 1, whichever is the lesser. Idem

(3) Payment for insured health services rendered by a practitioner, whether within or outside Ontario, shall be in an amount prescribed by the regulations. Idem

20. The Minister may enter into arrangements for the payment of remuneration to physicians or practitioners rendering insured health services to insured persons on a basis other than fee for service. Commutation of fees

21.—(1) At least six months before any revision of the schedule of fees of the Ontario Medical Association, the Ontario Medical Association shall notify the Minister of the proposed revision and the Minister shall implement discussions with representatives of the Ontario Medical Association respecting the extent of any proposed change in the schedule of fees. Revision of O.M.A. schedule of fees

(2) Where the revised schedule of fees results in an increase in the costs of insured health services under the Plan, the Lieutenant Governor in Council may, notwithstanding subsection 1 of section 19, establish by regulation the schedule of payment that shall be made for insured health services rendered by physicians. Prescribing new schedule by regulation

(3) No schedule of payments shall be prescribed by regulation under this section that disqualifies the Plan for contribution by the Government of Canada under the *Medical Care Act* (Canada). Idem 1966, c. 64 (Can.)

22.—(1) Where the physician or the practitioner intends to charge the insured person an amount more than is payable for the insured health service under the Plan, he shall so advise the patient prior to rendering the service. Charges more than payable under Plan

Particulars
of account

(2) Every physician and practitioner who performs an insured health service for an insured person shall provide the insured person, or designated agent or the Director, with the particulars of his services and account that are required by this Act and the regulations for the purpose of payment of the claim.

Information
authorized

(3) Every insured person shall be deemed to have authorized his physician or practitioner who performed insured health services to provide the Director with such information respecting the insured health services performed as the Director requires for the purposes of the Plan.

Information
confidential

23.—(1) Each member of the Board and the Council and each person employed in the administration of this Act including each employee of a designated agent shall preserve secrecy with respect to all matters that come to his knowledge in the course of his employment and that pertain to insured health services rendered and payments made therefor, and shall not communicate any such matters to any other person except as otherwise provided in this section.

Exceptions
re admin-
istration,
etc.

(2) A person referred to in subsection 1 may furnish information pertaining to the date on which insured health services were provided, the name and address of the person who provided the service, the amounts paid under the Plan for that service and the person to whom they were paid, but such information may be furnished only,

1966, c. 64
(Can.)

(a) in connection with the administration of this Act and the regulations or the *Medical Care Act* (Canada); or

(b) in proceedings under this Act or the regulations; or

(c) to the person who provided that service, his solicitor or personal representative, the committee of his estate, his trustee in bankruptcy or other legal representative; or

(d) to the person who received the services, his solicitor, personal representative or guardian, the committee or guardian of his estate or other legal representative of that person.

Exception
for
statistical
purposes

(3) Information referred to in subsection 1 may, with the approval of the Minister, be published by the Department of Health in statistical form if the individual names of persons are not thereby revealed.

(4) With the consent of the Director, information of the kind referred to in subsection 2 and any other information pertaining to the nature of the insured health services provided and any diagnosis given by a person who provided the service may be disclosed or communicated to the statutory body governing the profession or a professional association of which he is a member if an officer of that body or association makes a written request therefor and states that the information is required for the purposes of investigating a complaint against one of its members or for use in disciplinary proceedings involving that member. Exception for professional discipline

(5) No person engaged in the administration of this Act shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the discharge of his duties except in a proceeding under or authorized by this Act. Evidence

24. No action lies against a person providing insured health services or a member of his staff in respect of the furnishing to the Plan of information relating to insured health services provided by him. Information provided to Plan

25.—(1) On the 1st day of October, 1969, every contract of insurance for the payment of all or any part of the cost of insured health services performed in Ontario and received by any person eligible to become an insured person under this Act is void and of no effect in so far as it makes provision for insuring against such costs and no person shall enter into or renew such a contract except under this Act. Other health services insurance prohibited

(2) Subsection 1 does not apply to a contract of insurance entered into by a resident whose principal employment is in the United States of America and who is entitled to enter into the contract by virtue of his employment. Exceptions

26.—(1) There shall be a Health Services Insurance Council, consisting of not fewer than nine members who shall be appointed by the Lieutenant Governor in Council and of whom a majority are representatives of the public, two are representatives of the medical profession nominated by the Ontario Medical Association and two are representatives of the designated agents. Health Services Insurance Council

(2) The Lieutenant Governor in Council shall designate one of the members of the Council who are representatives of the public as chairman, and in the case of a tie vote, the chairman shall have an additional vote. Chairman

- Vacancies** (3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council having regard to the balance of representation provided in subsection 1.
- Quorum** (4) A majority of the members of the Council constitutes a quorum.
- Functions** **27.**—(1) The functions of the Council are,
- (a) to receive and investigate complaints in respect of the operation of the Plan;
 - (b) to advise and make recommendations to the Minister in respect of the operation of the Plan;
 - (c) on the direction of the Minister, to conduct the discussions with the Ontario Medical Association referred to in subsection 1 of section 21 and report and make recommendations to the Minister in respect thereof;
 - (d) advise and make recommendations to the Minister respecting the premium rate; and
 - (e) perform any other function given it by the Minister or by any Act or regulation.
- Requiring information** (2) For the purposes of clause *a* of subsection 1, the Council may require any designated agent or the Board or the Director to furnish the Council with such information respecting the matter complained of as the Council requires.
- Committees** **28.** The Director may refer any claim or claims to a committee established under clause *k* of section 32 for the purpose of assessing claims and the amounts thereof with particular reference to possible misuse or abuse of the Plan, and the committee shall report its conclusions and recommendations to the Director.
- Offence, receiving payment by fraud** **29.** Every person who,
- (a) obtains payment under this Act or the regulations for insured health services for himself or for his benefit; or
 - (b) aids or abets any other person in obtaining payment under this Act or the regulations for insured health services for such other person or for his benefit,

knowing that he or such other person is not entitled to the payment, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

30.—(1) Subject to subsection 2, an employer, collector or designated agent who fails to remit the premiums required to be remitted under this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$2,000. Offence, failure to remit premiums

(2) Where an employer, collector or designated agent is convicted of an offence under subsection 1, the provincial judge shall determine the amount of the premiums the employer failed to remit and shall make an order requiring the person convicted to pay the amount so determined to the Registrar. Order to pay premiums

(3) Every director or officer of a corporation who knowingly concurs in a failure to remit the premiums required to be remitted by the corporation under this Act is liable, jointly and severally with every other such officer and director, to make payment ordered to be made under subsection 2. Liability of officers and directors

31. Where an employer, collector or designated agent that is a corporation fails to remit the premiums required to be remitted under this Act, and Liability of directors on winding up

(a) goes into liquidation;

(b) is ordered to be wound up;

(c) makes an authorized assignment under the *Bankruptcy Act* (Canada); or R.S.C. 1952, c. 14

(d) has a receiving order under the *Bankruptcy Act* (Canada) made against it,

the directors thereof are jointly and severally liable for the payment of the amount of the premiums in default.

32. The Lieutenant Governor in Council may make Regulations regulations,

(a) providing for the enrolment of persons as insured persons;

(b) prescribing who are dependants of insured persons for the purposes of this Act;

(c) prescribing the persons who shall be deemed employees for the purposes of sections 9 and 10 and the employees who shall be members of a mandatory group;

- (d) governing the collection, accounting for and remission of premiums by employers of mandatory groups and by collectors and requiring employers and collectors to furnish such information and returns as is prescribed;
- (e) prescribing the amounts of premium payable for a single insured person, an insured person and one dependant and an insured person and two or more dependants and governing the time and manner of payment;
- (f) prescribing the qualifications for assistance in the payment of premiums and for determining the amount thereof;
- (g) specifying what services other than medical services are insured health services for the purposes of the Plan, and prescribing what practitioners may render such services and under what conditions such services are insured health services, and prescribing the amount of payment for such insured health services;
- (h) prescribing services that shall be deemed not to be insured health services for the purposes of this Act and the conditions under which the costs of any class of insured health services are payable and limiting the payment commensurate with the circumstances of the performance of the services;
- (i) providing for the making of claims for payment of the cost of insured health services and prescribing the information that shall be furnished in connection therewith;
- (j) designating persons with whom agreements under section 5 have been entered into;
- (k) establishing committees for the purpose of section 28;
- (l) prescribing additional duties of the Council, Director, Board or Registrar;
- (m) providing for payment to the Treasurer of Ontario by insurers of the amounts of claims in respect of the cost of insured health services that would otherwise be payable to insured persons;
- (n) subrogating the Health Services Insurance Division to any rights of recovery by an insured person in respect of payments for insured health services paid

by the Division and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled;

- (o) specifying categories of persons to whom the waiting period referred to in subsection 2 of section 7 does not apply;
- (p) establishing programs for other health benefits referred to in subsection 1 of section 3 and prescribing the terms and conditions of such programs;
- (q) prescribing forms for purposes of this Act and providing for their use.

33. The Minister shall make a report annually to the Lieutenant Governor in Council upon the affairs of the Plan and every such report shall contain the report of the Provincial Auditor under section 3, which shall include his certificate as to whether the accounts and financial transactions of the Plan including those of designated agents meet the requirements of this Act, and the Minister shall lay the report before the Assembly if it is in session, or if not, at the next ensuing session. Report to Assembly

34. The expenditures necessary for the purposes of the Plan shall, until the 31st day of March, 1970, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

35. *The Medical Services Insurance Act, 1965, The Medical Services Insurance Amendment Act, 1966, The Medical Services Insurance Amendment Act, 1967, The Medical Services Insurance Amendment Act, 1968 and The Medical Services Insurance Amendment Act, 1968-69* are repealed. 1965, c. 70
1966, c. 86
1967, c. 50
1968, c. 70
1968-69,
c.
repealed

36.—(1) This Act, except section 35, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 35 comes into force on the 1st day of October, 1969. Idem

37. This Act may be cited as *The Health Services Insurance Act, 1968-69*. Short title

An Act respecting
Health Services Insurance

1st Reading

June 17th, 1969

2nd Reading

June 24th, 1969

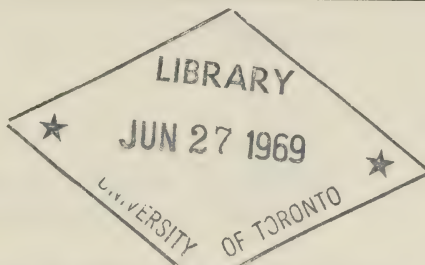
3rd Reading

June 27th, 1969

MR. DYMOND

BILL 196

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to regulate Farms on which Pregnant Mares
are kept for the Collection of Urine**

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of the Bill is to regulate farms on which pregnant mares are kept for the collection of urine.

The principal provisions of the Bill include the following:

1. Persons who operate a farm on which pregnant mares are kept for collection of urine are required to be licensed as P.M.U. farm operators and the qualifications to be met by an applicant for such licence are specified and grounds for suspending or revoking licences are set out.
2. Persons who contract for the sale of urine from pregnant mares are required to be licensed as P.M.U. contractors and the grounds for suspending or revoking licences are set out.
3. The P.M.U. Licence Review Board is established and empowered to decide appeals from decisions on licensing made by the Director. A further appeal is provided to a justice of the Court of Appeal from a decision of the Review Board.
4. The transfer of possession of foals less than ninety days old by the operator of a P.M.U. farm is prohibited except under certain circumstances.
5. Inspection of P.M.U. farms and premises is provided for along with other ancillary matters.

BILL 196

1968-69

An Act to regulate Farms on which Pregnant Mares are kept for the Collection of Urine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the P.M.U. Licence Review Board;
- (b) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) "foal" means a young horse;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "P.M.U. contractor" means a person who is not the operator of a P.M.U. farm and who, for consideration, enters into a contract respecting the sale of urine from pregnant mares;
- (g) "P.M.U. farm" means premises on which pregnant mares are kept for the collection of urine;
- (h) "regulations" means the regulations made under this Act;
- (i) "veterinarian" means a person registered under *The R.S.O. 1960, c. 418 Veterinarians Act*.

2.—(1) A board to be known as the "P.M.U. Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public

P.M.U.
Licence
Review
Board

established

service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of
office

(2) No member of the Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Licences

3.—(1) No person shall commence or continue to be the operator of a P.M.U. farm or a P.M.U. contractor without a licence therefor from the Director.

Require-
ments for
licence

(2) No person shall be granted a licence as the operator of a P.M.U. farm unless he,

- (a) is experienced in the proper care and handling of horses; and
- (b) possesses all vehicles, tools, implements, building and dietary materials necessary to properly care for and handle horses on his premises.

Suspension
or revoca-
tion of
licence

(3) A licence may be suspended or revoked where,

- (a) the licensee is the operator of a P.M.U. farm and has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or
- (b) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,
 - (i) this Act or the regulations, or
 - (ii) any other Act relating to cruelty, maltreatment or neglect of animals.

4.—(1) Subject to section 12, the Director shall issue a ^{Issue of} licence as an operator of a P.M.U. farm to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3.

(2) Subject to section 12, the Director shall issue a licence ^{Idem} as a P.M.U. contractor to an applicant therefor.

(3) Where the Director is of the opinion that an applicant ^{Refusal of licence} for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may refuse to issue the licence.

(4) Where the Director is of the opinion, in the case of a ^{Suspension or revocation of licence} licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may suspend or revoke the licence.

(5) Where the Director refuses to issue or proposes to ^{Where Director refuses to issue or proposes to suspend or revoke a licence} suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Board, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Board.

(6) The chairman of the Board shall fix a time, date and ^{Notice of hearing} place at which the Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(7) The notice of hearing shall contain, ^{Contents of notice}

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

5.—(1) The Director, the applicant or licensee and any ^{Parties} other person specified by the Board are parties to the hearing.

(2) If a person who has been duly notified of a hearing ^{Failure to attend} does not attend, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjourn-
ment

6.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(2) The Board may command the attendance before it of any person as a witness.

Oaths

(3) The Board may require any person,

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Board, makes default in attending; or

(b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of
party to
counsel

7.—(1) Any party may be represented before the Board by counsel or agent.

Right of
witness to
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent

may only advise the witness and state objections under the provisions of the relevant law.

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. ^{Exclusion of counsel}

8. At a hearing before the Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. ^{Rights of parties at hearing}

9.—(1) All hearings shall be open to the public except where the Board finds that, ^{Hearings to be open to public; exceptions}

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. ^{Idem}

10.—(1) At a hearing before the Board, ^{Evidence}

(a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. ^{Release of exhibits}

11.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. ^{Powers of Board}

Licence to
remain
suspended
or revoked

(2) A licence that is suspended or revoked pursuant to a decision of the Board under subsection 1 shall, where an appeal is instituted under section 13, remain suspended or revoked until the appeal is determined.

Notice of
order

(3) The Board shall serve each party with a notice of its decision, together with the reasons therefor in writing, and a notice stating the right to an appeal under section 13, either personally or by registered mail addressed to the party at his last known address.

Contents of
reasons for
decision

(4) The reasons for the decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When
licence not
to issue

12. The Director shall not issue a licence to any person who formerly held a licence as an operator of a P.M.U. farm or as a P.M.U. contractor, as the case may be, and whose licence was revoked less than one year before the date of the application.

Appeal

13.—(1) Any party to the hearing before the Board may appeal the order of the Board to a justice of appeal of the Court of Appeal.

Form of
appeal

(2) Every appeal under subsection 1 shall be by notice of motion served upon the chairman of the Board and every party to the hearing within thirty days after service of the notice referred to in subsection 3 of section 11 and the practice and procedure in relation to the appeal shall be the same as on an appeal from a judgment of a judge of the Supreme Court in an action.

Material
on appeal

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court,

- (a) the notices referred to in subsections 5 and 6 of section 4 and in subsection 3 of section 11;
- (b) the written reasons for the decision of the Board; and
- (c) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

(4) Where an appeal is instituted under this section, the judge may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the judge deems proper, and for this purpose the judge may substitute his opinion for that of the Board.

Power of
judge on
appeal

(5) The order of the judge is final.

Order of
judge final

14.—(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Appoint-
ment of
chief
inspector
and
inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate
of
appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

Powers of
inspector

(a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a P.M.U. farm, or any foals of such horses, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein;

(b) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a P.M.U. farm, or any foals of such horses; and

(c) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom that he believes on reasonable and probable grounds are related to urine from pregnant mares.

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*.

When
powers to
be exercised

R.S.O. 1960,
c. 387

Production
and photo-
copying of
records, etc.

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

(7) Where an inspector makes a demand under clause *b* or *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

1955, c. 58,
not to apply

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of horses in the possession of a licensed operator of a P.M.U. farm.

Obstruction
of inspector

15. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Transfer of
possession
of foals

16.—(1) No operator of a P.M.U. farm shall transfer possession to any other person of a foal that is less than ninety days old unless,

(a) the dam thereof has died;

(b) possession of the dam is transferred with the foal to the same person; or

(c) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

Reports

(2) The operator of every P.M.U. farm shall submit to the Director such reports respecting horses used in connection with the P.M.U. farm, and any foals thereof, as may be prescribed in the regulations.

Sale of
urine

(3) No person shall sell urine from pregnant mares unless he is the holder of a licence as the operator of a P.M.U. farm or as a P.M.U. contractor.

17.—(1) Every person who contravenes any of the provisions of this Act, other than subsection 2 of section 16, or the regulations, other than a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

(2) Every person who contravenes the provisions of subsection 2 of section 16, or of a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

18. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a P.M.U. farm or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such P.M.U. farm absolutely or for such period as seems just.

19. The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing further procedures for hearings before the Board;
- (c) providing for the issuing by the Director to a licensed operator of a P.M.U. farm of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a P.M.U. farm or any class thereof;
- (e) prescribing standards for the health, welfare and care of horses, or any class thereof, in a P.M.U. farm;

- (f) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a P.M.U. farm;
- (g) classifying P.M.U. farms, requiring the operators of any class of P.M.U. farm to provide for the services of a veterinarian in connection with the care of horses in the P.M.U. farm and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (h) prescribing the records to be made and kept by the operator of a P.M.U. farm or any class thereof or by a P.M.U. contractor and prescribing the places at which such records shall be kept;
- (i) prescribing reports to be submitted to the Director by the operator of a P.M.U. farm;
- (j) prescribing methods for the identification of horses;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Pregnant Mare Urine Farms Act, 1968-69*.

An Act to regulate Farms on which
Pregnant Mares are kept for the
Collection of Urine

1st Reading

June 17th, 1969

2nd Reading

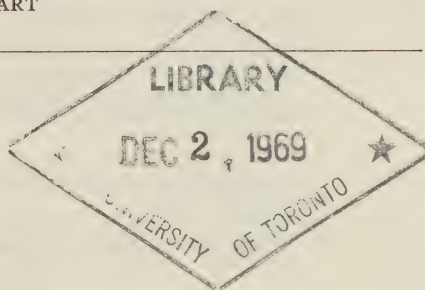
3rd Reading

MR. STEWART

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to regulate Farms on which Pregnant Mares
are kept for the Collection of Urine**

MR. STEWART



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of the Bill is to regulate farms on which pregnant mares are kept for the collection of urine.

The principal provisions of the Bill include the following:

1. Persons who operate a farm on which pregnant mares are kept for collection of urine are required to be licensed as P.M.U. farm operators and the qualifications to be met by an applicant for such licence are specified and grounds for suspending or revoking licences are set out.
2. Persons who contract for the sale of urine from pregnant mares are required to be licensed as P.M.U. contractors and the grounds for suspending or revoking licences are set out.
3. The P.M.U. Licence Review Board is established and empowered to decide appeals from decisions on licensing made by the Director. A further appeal is provided to the Court of Appeal from a decision of the Review Board.
4. The transfer of possession of foals less than ninety days old by the operator of a P.M.U. farm is prohibited except under certain circumstances.
5. Inspection of P.M.U. farms and premises is provided for along with other ancillary matters.

BILL 196

1968-69

An Act to regulate Farms on which Pregnant Mares are kept for the Collection of Urine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the P.M.U. Licence Review Board;
- (b) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) "foal" means a young horse;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "P.M.U. contractor" means a person who is not the operator of a P.M.U. farm and who, for consideration, enters into a contract respecting the sale of urine from pregnant mares;
- (g) "P.M.U. farm" means premises on which pregnant mares are kept for the collection of urine;
- (h) "regulations" means the regulations made under this Act;
- (i) "veterinarian" means a person registered under *The Veterinarians Act*. R.S.O. 1960,
c. 418

2.—(1) A board to be known as the "P.M.U. Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public P.M.U.
Licence
Review
Board
established

service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of
office

(2) No member of the Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Licences

3.—(1) No person shall commence or continue to be the operator of a P.M.U. farm or a P.M.U. contractor without a licence therefor from the Director.

Require-
ments for
licence

(2) No person shall be granted a licence as the operator of a P.M.U. farm unless he,

(a) is experienced in the proper care and handling of horses; and

(b) possesses all vehicles, tools, implements, building and dietary materials necessary to properly care for and handle horses on his premises.

Suspension
or revoca-
tion of
licence

(3) A licence may be suspended or revoked where,

(a) the licensee is the operator of a P.M.U. farm and has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or

(b) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,

(i) this Act or the regulations, or

(ii) any other Act relating to cruelty, maltreatment or neglect of animals.

4.—(1) Subject to section 12, the Director shall issue a licence as an operator of a P.M.U. farm to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3. ^{Issue of licence}

(2) Subject to section 12, the Director shall issue a licence as a P.M.U. contractor to an applicant therefor. ^{Idem}

(3) Where the Director is of the opinion that an applicant for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may refuse to issue the licence. ^{Refusal of licence}

(4) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may suspend or revoke the licence. ^{Suspension or revocation of licence}

(5) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Board, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Board. ^{Where Director refuses to issue or proposes to suspend or revoke a licence}

(6) The chairman of the Board shall fix a time, date and place at which the Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed. ^{Notice of hearing}

(7) The notice of hearing shall contain, ^{Contents of notice}

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

5.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. ^{Parties}

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence and he is not entitled to notice of any further proceedings. ^{Failure to attend}

Adjourn-
ment

6.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(2) The Board may command the attendance before it of any person as a witness.

Oaths

(3) The Board may require any person,

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Board, makes default in attending; or

(b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of
party to
counsel

7.—(1) Any party may be represented before the Board by counsel or agent.

Right of
witness to
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent

may only advise the witness and state objections under the provisions of the relevant law.

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel

8. At a hearing before the Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing

9.—(1) All hearings shall be open to the public except where the Board finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem

10.—(1) At a hearing before the Board, Evidence

(a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

11.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board

Licence to remain suspended or revoked

(2) A licence that is suspended or revoked pursuant to a decision of the Board under subsection 1 shall, where an appeal is instituted under section 13, remain suspended or revoked until the appeal is determined.

Notice of order

(3) The Board shall serve each party with a notice of its decision, together with the reasons therefor in writing, and a notice stating the right to an appeal under section 13, either personally or by registered mail addressed to the party at his last known address.

Contents of reasons for decision

(4) The reasons for the decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When licence not to issue

12. The Director shall not issue a licence to any person who formerly held a licence as an operator of a P.M.U. farm or as a P.M.U. contractor, as the case may be, and whose licence was revoked less than one year before the date of the application.

Appeal to Court of Appeal

13.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to appeal proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Material on appeal

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court,

- (a) the notices referred to in subsections 5 and 6 of section 4 and in subsection 3 of section 11;
- (b) the written reasons for the decision of the Board; and
- (c) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(5) The decision of the Court of Appeal is final. Idem

14.—(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations. Appointment of chief inspector and inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. Certificate of appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act, Powers of inspector

- (a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a P.M.U. farm, or any foals of such horses, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein;
- (b) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a P.M.U. farm, or any foals of such horses; and
- (c) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom that he believes on reasonable and probable grounds are related to urine from pregnant mares.

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*. When powers to be exercised

R.S.O. 1960,
c. 387

Production
and photo-
copying of
records, etc.

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

(7) Where an inspector makes a demand under clause *b* or *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

1955, c. 58,
not to apply

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of horses in the possession of a licensed operator of a P.M.U. farm.

Obstruction
of inspector

15. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Transfer of
possession
of foals

16.—(1) No operator of a P.M.U. farm shall transfer possession to any other person of a foal that is less than ninety days old unless,

- (a) the dam thereof has died;
- (b) possession of the dam is transferred with the foal to the same person; or
- (c) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

Reports

(2) The operator of every P.M.U. farm shall submit to the Director such reports respecting horses used in connection with the P.M.U. farm, and any foals thereof, as may be prescribed in the regulations.

Sale of
urine

(3) No person shall sell urine from pregnant mares unless he is the holder of a licence as the operator of a P.M.U. farm or as a P.M.U. contractor.

17.—(1) Every person who contravenes any of the provisions of this Act, other than subsection 2 of section 16, or the regulations, other than a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

(2) Every person who contravenes the provisions of subsection 2 of section 16, or of a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

18. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a P.M.U. farm or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such P.M.U. farm absolutely or for such period as seems just.

19. The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing further procedures for hearings before the Board;
- (c) providing for the issuing by the Director to a licensed operator of a P.M.U. farm of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a P.M.U. farm or any class thereof;
- (e) prescribing standards for the health, welfare and care of horses, or any class thereof, in a P.M.U. farm;

- (f) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a P.M.U. farm;
- (g) classifying P.M.U. farms, requiring the operators of any class of P.M.U. farm to provide for the services of a veterinarian in connection with the care of horses in the P.M.U. farm and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (h) prescribing the records to be made and kept by the operator of a P.M.U. farm or any class thereof or by a P.M.U. contractor and prescribing the places at which such records shall be kept;
- (i) prescribing reports to be submitted to the Director by the operator of a P.M.U. farm;
- (j) prescribing methods for the identification of horses;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Pregnant Mare Urine Farms Act, 1968-69*.

An Act to regulate Farms on which
Pregnant Mares are kept for the
Collection of Urine

1st Reading

June 17th, 1969

2nd Reading

November 12th, 1969

3rd Reading

MR. STEWART

(*Reprinted as amended by
the Committee of the Whole House*)

BILL 196

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to regulate Farms on which Pregnant Mares
are kept for the Collection of Urine**

MR. STEWART



BILL 196

1968-69

An Act to regulate Farms on which Pregnant Mares are kept for the Collection of Urine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the P.M.U. Licence Review Board;
- (b) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture and Food;
- (c) "foal" means a young horse;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture and Food;
- (f) "P.M.U. contractor" means a person who is not the operator of a P.M.U. farm and who, for consideration, enters into a contract respecting the sale of urine from pregnant mares;
- (g) "P.M.U. farm" means premises on which pregnant mares are kept for the collection of urine;
- (h) "regulations" means the regulations made under this Act;
- (i) "veterinarian" means a person registered under *The R.S.O. 1960, c. 418*
Veterinarians Act.

2.—(1) A board to be known as the "P.M.U. Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public

P.M.U.
Licence
Review
Board
established

service in the employ of the Department of Agriculture and Food, and who shall, subject to subsection 2, hold office during pleasure.

Term of
office

(2) No member of the Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Remunera-
tion

(5) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Licences

3.—(1) No person shall commence or continue to be the operator of a P.M.U. farm or a P.M.U. contractor without a licence therefor from the Director.

Require-
ments for
licence

(2) No person shall be granted a licence as the operator of a P.M.U. farm unless he,

- (a) is experienced in the proper care and handling of horses; and
- (b) possesses all vehicles, tools, implements, building and dietary materials necessary to properly care for and handle horses on his premises.

Suspension
or revoca-
tion of
licence

(3) A licence may be suspended or revoked where,

- (a) the licensee is the operator of a P.M.U. farm and has not properly maintained any of the facilities, equipment or materials referred to in clause *b* of subsection 2; or
- (b) the licensee or any person employed by him or associated with him in connection with his operation as licensee has failed to observe or carry out the provisions of,
 - (i) this Act or the regulations, or
 - (ii) any other Act relating to cruelty, maltreatment or neglect of animals.

4.—(1) Subject to section 12, the Director shall issue a licence as an operator of a P.M.U. farm to an applicant therefor unless, in his opinion, the applicant does not comply with clauses *a* and *b* of subsection 2 of section 3. ^{Issue of licence}

(2) Subject to section 12, the Director shall issue a licence as a P.M.U. contractor to an applicant therefor. ^{Idem}

(3) Where the Director is of the opinion that an applicant for a licence as an operator of a P.M.U. farm does not comply with clauses *a* and *b* of subsection 2 of section 3, he may refuse to issue the licence. ^{Refusal of licence}

(4) Where the Director is of the opinion, in the case of a licensee, that clause *a* or *b* of subsection 3 of section 3 applies, he may suspend or revoke the licence. ^{Suspension or revocation of licence}

(5) Where the Director refuses to issue or proposes to suspend or revoke a licence, he shall give notice thereof to the applicant or licensee, together with written reasons for his refusal or proposed suspension or revocation and a notice stating the right to a hearing by the Board, and the applicant or licensee may, by written notice given to the Director and the Board within fifteen days after receipt of the notice of refusal or proposed suspension or revocation, require a hearing by the Board. ^{Where Director refuses to issue or proposes to suspend or revoke a licence}

(6) The chairman of the Board shall fix a time, date and place at which the Board will hear the matter and shall serve notice of the hearing on the parties at least ten days before the day fixed. ^{Notice of hearing}

(7) The notice of hearing shall contain, ^{Contents of notice}

- (a) a statement of the time and place of the hearing;
- (b) a reference to the rules of procedure applicable to the hearing; and
- (c) a statement that, if a party who has been duly notified does not attend at the hearing, the Board may proceed in his absence and he is not entitled to notice of any further proceedings.

5.—(1) The Director, the applicant or licensee and any other person specified by the Board are parties to the hearing. ^{Parties}

(2) If a person who has been duly notified of a hearing does not attend, the Board may proceed in his absence and he is not entitled to notice of any further proceedings. ^{Failure to attend}

Adjourn-
ment

6.—(1) A hearing may be adjourned from time to time by the Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(2) The Board may command the attendance before it of any person as a witness.

Oaths

(3) The Board may require any person,

(a) to give evidence on oath at a hearing; and

(b) to produce such documents and things as the Board requires.

Idem

(4) The Board may admit evidence not given under oath.

Offences

(5) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Board, makes default in attending; or

(b) being in attendance as a witness before the Board, refuses to take an oath legally required by the Board to be taken, or to produce any document or thing in his power or control legally required by the Board to be produced by him, or to answer any question to which the Board may legally require an answer; or

(c) does any other thing that would, if the Board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence.

Enforce-
ment

(6) The Board may certify an offence under subsection 5 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Right of
party to
counsel

7.—(1) Any party may be represented before the Board by counsel or agent.

Right of
witness to
counsel

(2) Any witness may be represented before the Board by counsel or agent, but at the hearing the counsel or agent

may only advise the witness and state objections under the provisions of the relevant law.

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel

8. At a hearing before the Board, any party may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties at hearing

9.—(1) All hearings shall be open to the public except where the Board finds that, Hearings to be open to public; exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person may be disclosed,

in which case the Board shall hold the hearing as to any such matters *in camera*.

(2) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 1, the Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions. Idem

10.—(1) At a hearing before the Board, Evidence

(a) except where otherwise provided in this section, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. Release of exhibits

11.—(1) The Board may, after the hearing, confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Board considers proper, and for this purpose the Board may substitute its opinion for that of the Director. Powers of Board

Licence to
remain
suspended
or revoked

(2) A licence that is suspended or revoked pursuant to a decision of the Board under subsection 1 shall, where an appeal is instituted under section 13, remain suspended or revoked until the appeal is determined.

Notice of
order

(3) The Board shall serve each party with a notice of its decision, together with the reasons therefor in writing, and a notice stating the right to an appeal under section 13, either personally or by registered mail addressed to the party at his last known address.

Contents of
reasons for
decision

(4) The reasons for the decision shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) the conclusions of law based on the findings mentioned in clauses *a* and *b*.

When
licence not
to issue

12. The Director shall not issue a licence to any person who formerly held a licence as an operator of a P.M.U. farm or as a P.M.U. contractor, as the case may be, and whose licence was revoked less than one year before the date of the application.

Appeal
to Court
of Appeal

13.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Court of Appeal and the practice and procedure as to appeal proceedings incidental thereto are the same *mutatis mutandis* as upon an appeal from the High Court.

Counsel

(2) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.

Material
on appeal

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court,

- (a) the notices referred to in subsections 5 and 6 of section 4 and in subsection 3 of section 11;
- (b) the written reasons for the decision of the Board; and
- (c) all written submissions to the Board and other material including documentary evidence received by it in connection with the hearing.

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Director to do any act the Director is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury. Decision of court

(5) The decision of the Court of Appeal is final. Idem

14.—(1) The Minister may appoint a chief inspector and such other inspectors as he deems necessary, and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations. Appointment of chief inspector and inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. Certificate of appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act, Powers of inspector

- (a) enter any premises, car, truck or other conveyance in which he believes on reasonable and probable grounds there are horses that are used, or that are intended to be used, in connection with a P.M.U. farm, or any foals of such horses, and inspect the premises, car, truck or other conveyance, any facilities or equipment therein and any horse therein;
- (b) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom relating to horses that he believes on reasonable and probable grounds are used or intended to be used in connection with a P.M.U. farm, or any foals of such horses; and
- (c) demand the production or furnishing by the owner or custodian thereof of any books, records or documents or of extracts therefrom that he believes on reasonable and probable grounds are related to urine from pregnant mares.

(4) An inspector shall exercise his powers under subsection 3 only between sunrise and sunset, but nothing in this section affects the issuance and execution of a warrant under section 14 of *The Summary Convictions Act*. When powers to be exercised
R.S.O. 1960,
c. 387

Production
and photo-
copying of
records, etc.

(5) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Certification
of photocopy

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by the Minister, or a person thereunto authorized by the Minister, to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to
be in
writing

(7) Where an inspector makes a demand under clause *b* or *c* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the investigation and the general nature of the books, records, documents or extracts required.

1955, c. 58,
not to apply

(8) *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* does not apply in respect of horses in the possession of a licensed operator of a P.M.U. farm.

Obstruction
of inspector

15. No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Transfer of
possession
of foals

16.—(1) No operator of a P.M.U. farm shall transfer possession to any other person of a foal that is less than ninety days old unless,

(a) the dam thereof has died;

(b) possession of the dam is transferred with the foal to the same person; or

(c) he has a permit for the transfer of possession of foals issued by the Director in the manner prescribed in the regulations.

Reports

(2) The operator of every P.M.U. farm shall submit to the Director such reports respecting horses used in connection with the P.M.U. farm, and any foals thereof, as may be prescribed in the regulations.

Sale of
urine

(3) No person shall sell urine from pregnant mares unless he is the holder of a licence as the operator of a P.M.U. farm or as a P.M.U. contractor.

17.—(1) Every person who contravenes any of the provisions of this Act, other than subsection 2 of section 16, or the regulations, other than a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both, and for a subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

(2) Every person who contravenes the provisions of subsection 2 of section 16, or of a regulation made under clause *h* or *j* of section 19, is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$25 and for a subsequent offence to a fine of not more than \$100.

18. Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or against any Act relating to cruelty, maltreatment or neglect of animals has been or is being committed by any person who is the operator of a P.M.U. farm or who is employed by or associated with any such person, the Supreme Court or a judge thereof may, upon the application of the Director, enjoin any such person from being engaged in any way in the operation of such P.M.U. farm absolutely or for such period as seems just.

19. The Lieutenant Governor in Council may make regulations,

- (a) providing for the manner of issuing licences, prescribing their duration and the fees payable therefor;
- (b) prescribing further procedures for hearings before the Board;
- (c) providing for the issuing by the Director to a licensed operator of a P.M.U. farm of a permit for the transfer of possession of foals and prescribing the terms and conditions for the issuing and revocation of such permits;
- (d) prescribing the buildings, facilities and equipment to be provided by the operator of a P.M.U. farm or any class thereof;
- (e) prescribing standards for the health, welfare and care of horses, or any class thereof, in a P.M.U. farm;

- (f) prescribing facilities and equipment for the transportation of horses that are used or are intended to be used in connection with a P.M.U. farm;
- (g) classifying P.M.U. farms, requiring the operators of any class of P.M.U. farm to provide for the services of a veterinarian in connection with the care of horses in the P.M.U. farm and prescribing the terms and conditions on which such services shall be provided in respect of any such class;
- (h) prescribing the records to be made and kept by the operator of a P.M.U. farm or any class thereof or by a P.M.U. contractor and prescribing the places at which such records shall be kept;
- (i) prescribing reports to be submitted to the Director by the operator of a P.M.U. farm;
- (j) prescribing methods for the identification of horses;
- (k) prescribing forms and providing for their use;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

20. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

21. This Act may be cited as *The Pregnant Mare Urine Farms Act, 1968-69*.

An Act to regulate Farms on which
Pregnant Mares are kept for the
Collection of Urine

1st Reading

June 17th, 1969

2nd Reading

November 12th, 1969

3rd Reading

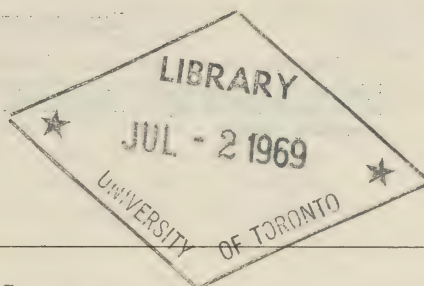
November 24th, 1969

MR. STEWART

BILL 197

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Veterinarians Act



MR. STEWART

EXPLANATORY NOTE

The Bill removes the existing limitation of \$50 on the annual registration fee, and changes the date on which the fee is payable from the 1st day of January of the registration year to the 1st day of December of the preceding year.

BILL 197

1968-69

An Act to amend The Veterinarians Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Veterinarians Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 416, s. 13,
subs. 1,
re-enacted

- (1) Every member of the Association shall annually on or before the 1st day of December pay to the treasurer such registration fee as the by-laws prescribe for the year next ensuing, and no certificate for that year shall be issued until the fee has been paid.

Annual fee

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Veterinarians Amendment Act, 1968-69*.

Short title

An Act to amend
The Veterinarians Act

1st Reading

June 18th, 1969

2nd Reading

3rd Reading

MR. STEWART

BILL 197

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Veterinarians Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 197

1968-69

An Act to amend The Veterinarians Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Veterinarians Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 416, s. 13,
subs. 1,
re-enacted

- (1) Every member of the Association shall annually on or before the 1st day of December pay to the treasurer such registration fee as the by-laws prescribe for the year next ensuing, and no certificate for that year shall be issued until the fee has been paid.

Annual fee

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Veterinarians Amendment Act, 1968-69*.

Short title

An Act to amend
The Veterinarians Act ^{Government} Publications

1st Reading

June 18th, 1969

2nd Reading

November 5th, 1969

3rd Reading

November 24th, 1969

MR. STEWART

LIBRARY

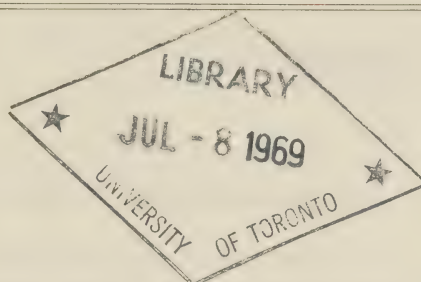
APR 13 1969

UNIVERSITY

A20N
B
B 56

BILL 198

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Territorial Division Act

Mr. McKEOUGH

EXPLANATORY₈NOTES

The amendments are necessary by reason of the incorporation of The Regional Municipality of Niagara. The Regional Area is divided into Judicial Districts by reference to the existing counties of Lincoln and Welland.

The amendment in subsection 4 of section 1 is for the purposes of clarification.

BILL 198

1968-69

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act*, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out “and 5” in the third line and inserting in lieu thereof “5 and 5a”, so that the section, exclusive of the paragraphs, shall read as follows:

1. The territorial division of Ontario into counties and districts and regional areas shall continue as herein-after set forth, and subject to sections 4, 5 and 5a, for municipal and judicial purposes such counties, and for judicial purposes such districts and regional areas, are respectively composed as follows:

(2) Paragraph 22 of the said section 1, as amended by subsections 8 and 9 of section 1 of *The Territorial Division Amendment Act, 1964*, is repealed.

(3) The said section 1 is further amended by adding thereto the following paragraph:

23a. THE REGIONAL MUNICIPALITY OF NIAGARA consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Niagara Act, 1968-69*.

(4) Paragraph 26a of the said section 1, as enacted by subsection 4 of section 1 of *The Territorial Division Amendment Act, 1968*, is repealed and the following substituted therefor:

26a. THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Ottawa-Carleton Act, 1968*.

R.S.O. 1960,
c. 395, s. 1,
par. 39,
repealed

(5) Paragraph 39 of the said section 1, as amended by subsection 17 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 8 and 9 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 395,
amended

2. *The Territorial Division Act* is amended by adding thereto the following section:

Niagara
Judicial
Districts
1968-69,
c.

5a. For judicial purposes, the Regional Area as defined in *The Regional Municipality of Niagara Act, 1968-69* is divided into two judicial districts as follows:

1. The Judicial District of Niagara North composed of all the area of the County of Lincoln as it existed on the 31st day of December, 1969.
2. The Judicial District of Niagara South composed of all the area of the County of Welland as it existed on the 31st day of December, 1969.

Commence-
ment

3.—(1) This Act, except subsections 1, 2, 3 and 5 of section 1 and section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1, 2, 3 and 5 of section 1 and section 2 come into force on the 1st day of January, 1970.

Short title

4. This Act may be cited as *The Territorial Division Amendment Act, 1968-69*.

An Act to amend
The Territorial Division Act

1st Reading

June 19th, 1969

2nd Reading

3rd Reading

MR. McKEOUGH

BILL 198

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Territorial Division Act

MR. McKEOUGH

BILL 198

1968-69

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Territorial Division Act*, as amended by subsection 1 of section 1 of *The Territorial Division Amendment Act, 1968*, is further amended by striking out “and 5” in the third line and inserting in lieu thereof “5 and 5a”, so that the section, exclusive of the paragraphs, shall read as follows:

1. The territorial division of Ontario into counties and districts and regional areas shall continue as herein-
after set forth, and subject to sections 4, 5 and 5a, for municipal and judicial purposes such counties, and for judicial purposes such districts and regional areas, are respectively composed as follows:

(2) Paragraph 22 of the said section 1, as amended by sub-
sections 8 and 9 of section 1 of *The Territorial Division Amendment Act, 1964*, is repealed.

(3) The said section 1 is further amended by adding thereto the following paragraph:

- 23a. THE REGIONAL MUNICIPALITY OF NIAGARA consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Niagara Act, 1968-69*.

(4) Paragraph 26a of the said section 1, as enacted by sub-
section 4 of section 1 of *The Territorial Division Amendment Act, 1968*, is repealed and the following substituted therefor:

- 26a. THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Ottawa-Carleton Act, 1968*.

R.S.O. 1960,
c. 395, s. 1.
par. 39,
repealed

(5) Paragraph 39 of the said section 1, as amended by subsection 17 of section 1 of *The Territorial Division Amendment Act, 1964* and subsections 8 and 9 of section 1 of *The Territorial Division Amendment Act, 1967*, is repealed.

R.S.O. 1960,
c. 395,
amended

2. *The Territorial Division Act* is amended by adding thereto the following section:

Niagara
Judicial
Districts
1968-69,
c.

5a. For judicial purposes, the Regional Area as defined in *The Regional Municipality of Niagara Act, 1968-69* is divided into two judicial districts as follows:

1. The Judicial District of Niagara North composed of all the area of the County of Lincoln as it existed on the 31st day of December, 1969.
2. The Judicial District of Niagara South composed of all the area of the County of Welland as it existed on the 31st day of December, 1969.

Commence-
ment

3.—(1) This Act, except subsections 1, 2, 3 and 5 of section 1 and section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1, 2, 3 and 5 of section 1 and section 2 come into force on the 1st day of January, 1970.

Short title

4. This Act may be cited as *The Territorial Division Amendment Act, 1968-69*.

An Act to amend
The Territorial Division Act
Government Publications, 1

1st Reading

June 19th, 1969

2nd Reading

November 5th, 1969

3rd Reading

November 24th, 1969

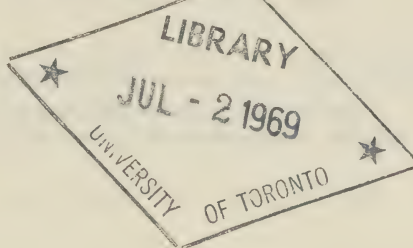
MR. McKEOUGH



BILL 199

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Credit Unions Act



MR. ROWNTREE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The Bill changes the references to the Provincial Secretary to the Minister of Financial and Commercial Affairs.

BILL 199

1968-69

An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Credit Unions Act*, as amended R.S.O. 1960, c. 79, s. 1, amended by section 1 of *The Credit Unions Amendment Act, 1960-61* and section 1 of *The Credit Unions Amendment Act, 1964*, is further amended by adding thereto the following clause:

(da) “Minister” means the Minister of Financial and Commercial Affairs.

(2) The said section 1 is further amended by adding R.S.O. 1960, c. 79, s. 1, amended thereto the following subsection:

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister. Reference to Provincial Secretary

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Credit Unions Amendment Act, 1968-69* (No. 2). Short title

An Act to amend The Credit Unions Act

1st Reading

June 19th, 1969

2nd Reading

3rd Reading

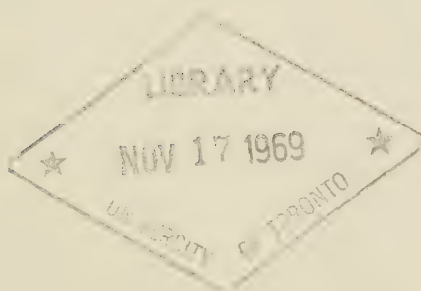
MR. ROWNTREE

BILL 199

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

An Act to amend The Credit Unions Act

MR. ROWNTREE



BILL 199

1968-69

An Act to amend The Credit Unions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Credit Unions Act*, as amended R.S.O. 1960, c. 79, s. 1, amended by section 1 of *The Credit Unions Amendment Act, 1960-61* and section 1 of *The Credit Unions Amendment Act, 1964*, is further amended by adding thereto the following clause:

(*da*) “Minister” means the Minister of Financial and Commercial Affairs.

(2) The said section 1 is further amended by adding R.S.O. 1960, c. 79, s. 1, amended thereto the following subsection:

(2) Any reference in this Act to the Provincial Secretary Reference to Provincial Secretary shall be deemed to be a reference to the Minister.

2. This Act comes into force on the day it receives Royal Commence-
ment Assent.

3. This Act may be cited as *The Credit Unions Amendment* Short title *Act, 1968-69 (No. 2)*.

An Act to amend The Credit Unions Act

1st Reading

June 19th, 1969

2nd Reading

September 30th, 1969

3rd Reading

October 31st, 1969

MR. ROWNTREE

A20N
B
B 56

Government
Publications

BILL 200

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to amend The Regional Municipality of
Ottawa-Carleton Act, 1968**

Mr. McKEOUGH

EXPLANATORY NOTES

SECTION 1. The amendment recognizes the change in name of the City of Vanier.

SECTION 2. The amendment makes it clear that the employees of the former County of Carleton continue in office in the Regional Municipality.

SECTION 3—Subsections 1 and 2. See Note to section 1 of the Bill.

Subsection 3. The amendment provides for the deputy reeve and the senior councillor of the Township of Nepean to sit on the Regional Council. Formerly, the subsection provided for two deputy Reeves from Nepean Township to sit on the Council.

BILL 200

1968-69

An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out “Eastview” in the third line and inserting in lieu thereof “Vanier”. ^{1968, c. 115, s. 1, cl. *a*, amended}

(2) Clause *l* of the said section 1 is amended by striking out “Eastview” in the third line and inserting in lieu thereof “Vanier”. ^{1968, c. 115, s. 1, cl. *l*, amended}

2. Section 3 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsection: ^{1968, c. 115, s. 3, amended}

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1968, in and for the County of Carleton shall be deemed, so long as he continues to hold such office or appointment, to have held and to hold such office or appointment on and after the 1st day of January, 1969, in and for The Regional Municipality of Ottawa-Carleton. ^{Appointments for County of Carleton deemed appointments for Regional Municipality of Ottawa-Carleton}

3.—(1) Clause *a* of subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out “Eastview” in the second line and inserting in lieu thereof “Vanier”. ^{1968, c. 115, s. 4, subs. 1, cl. *a*, amended}

(2) Clause *d* of subsection 1 of the said section 4 is amended by striking out “Eastview” in the first line and inserting in lieu thereof “Vanier”. ^{1968, c. 115, s. 4, subs. 1, cl. *d*, amended}

(3) Clause *f* of subsection 1 of the said section 4 is repealed and the following substituted therefor: ^{1968, c. 115, s. 4, subs. 1, cl. *f*, re-enacted}

- (f) subject to subsection 8, the deputy reeve of the Township of Nepean and the councillor of the said township who, at the general municipal election next preceding the day the Regional Council is organized in any year, received the highest number of votes.

1968, c. 115,
s. 6, subs. 2,
re-enacted

4. Subsection 2 of section 6 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

Township
of Nepean

- (2) On and after the 1st day of January, 1970, the council of the Township of Nepean shall consist of a reeve, a deputy reeve and five councillors, all to be elected by general vote.

1968, c. 115,
s. 22, subs. 2,
re-enacted

5. Subsection 2 of section 22 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

Signing of
cheques

- (2) Notwithstanding subsection 1, the Regional Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed or engraved on cheques.

1968, c. 115,
s. 26, subs. 1,
amended

6. Subsection 1 of section 26 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by inserting after "230" in the first line "232", by inserting after "240" in the second line "246" and by inserting after "paragraphs" in the third line "33", so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 249

- (1) Sections 217, 223, 223a, 230, 232, 234 and 236, subsections 4 and 5 of section 238, sections 239, 240, 246 and 248c, and paragraphs 33, 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

1968, c. 115,
s. 33,
amended

7. Section 33 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "and any by-law passed by an area municipality under subsection 1 of the said section 130 shall be deemed to have been repealed prior to the 31st day of December, 1968", so that the section shall read as follows:

R.S.O. 1960,
c. 23, s. 130,
not to apply

- 33.** Section 130 of *The Assessment Act* does not apply in any area municipality after the 31st day of December, 1968 and any by-law passed by an area municipality under subsection 1 of the said section 130 shall be deemed to have been repealed prior to the 31st day of December, 1968.

SECTION 4. The subsection is re-enacted to provide for a seven-member council for the Township of Nepean rather than a five-member council since the Township currently has, and for some time has had, a seven-member council.

SECTION 5. The subsection is re-enacted to make it clear that the signature of any person authorized to sign cheques may be mechanically reproduced.

SECTION 6. The amendment adds sections 232, 246 and paragraph 33 of section 377 to the list of sections and paragraphs of *The Municipal Act* that apply to this Act. Section 232 refers to the final audit of accounts by council. Section 246 provides for the fiscal year for municipalities. Paragraph 33 of section 377 authorizes the payment of bounties for the destruction of foxes.

SECTION 7. The amendment is required to remove any doubt as to the validity of assessments of business made in 1968 for taxation in 1969.

SECTION 8. The subsection is amended for the purpose of clarification.

SECTION 9. The amendment removes the requirement of securing approval of the Ontario Municipal Board for imposing sewage service rates under the subsection.

SECTION 10. The new subsections provide for the situation where the closing of a road that intersects or runs into a controlled-access road is not proceeded with and also provide for an appeal to the Court of Appeal from an order of the Municipal Board approving such a closing.

8. Subsection 3 of section 47 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work", so that the subsection shall read as follows:

- (3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

9. Subsection 3 of section 51 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "subject to the approval of the Municipal Board" in the third line, so that the subsection shall read as follows:

- (3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

10. Section 75 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsections:

- (6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such

application for approval, make such order as to costs against the Regional Corporation as it deems proper and may fix the amount of such costs.

Appeal

- (7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

- (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice and procedure on appeal

- (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same *mutatis mutandis* as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960,
c. 274, s. 95,
not to apply

- (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

1968, c. 115,
s. 78, subs. 3,
re-enacted

- 11.** Subsection 3 of section 78 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 249, s. 459,
subs. 6,
not to apply

- (3) Subsection 6 of section 459 of *The Municipal Act* does not apply to such stopping up.

1968, c. 115,
s. 83, subs. 8,
repealed

- 12.** Subsection 8 of section 83 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed.

1968, c. 115,
s. 86,
subss. 2-5,
repealed

- 13.** Subsections 2, 3, 4 and 5 of section 86 of *The Regional Municipality of Ottawa-Carleton Act, 1968* are repealed.

1968, c. 115,
s. 89, subs. 3,
amended

- 14.** Subsection 3 of section 89 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by inserting after "municipalities" in the fourth line "and the County of Carleton and the United Counties on behalf of any area municipality", so that the subsection shall read as follows:

Hospitaliza-
tion grant
1969 under
R.S.O. 1960,
c. 259

- (3) The 1969 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by the area municipalities and the County of Carleton and the United Counties on behalf of any area municipality for the purposes mentioned in such section 8a in the year 1968 and shall be paid to the Regional Corporation.

SECTION 11. The subsection is re-enacted to make it clear that no part of subsection 6 of section 459 of *The Municipal Act* applies to a by-law of an area municipality stopping up a highway.

SECTION 12. The repealed subsection deemed the townships of Fitzroy and Marlborough to be designated areas of subdivision control.

SECTION 13. The repealed subsections imposed certain duties on the clerks of the area municipalities with respect to the hospitalization and burial of indigent persons; it is the responsibility of the Regional Corporation.

SECTION 14. The amendment is made to clarify the expenditures that are to be taken into account in calculating the unconditional grant to be made in 1969.

SECTION 15. The amendment precludes members of the Regional Council from being paid for their services on the board of health.

SECTION 16. The amendment authorizes the 3 municipalities referred to therein to issue debentures for school purposes during 1969. Without the amendment there is no body with power to issue such debentures during 1969 since the school division which is composed of these 3 municipalities does not come into existence until January 1, 1970.

SECTION 17. See note to section 1 of the Bill.

SECTION 18. The amendment adjusts the year in the case of the Ottawa Board of Education since the Ottawa school division does not come into existence until January 1, 1970.

15. Section 92 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following amended subsection: 1968, c. 115, s. 92,

- (1a) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties. Remuneration of certain members

16. Subsection 3 of section 113 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969", so that the subsection shall read as follows: 1968, c. 115, s. 113, subs. 3, amended

- (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1968, power to issue debentures, except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969. Limitation; exception

17.—(1) Subsection 1 of section 137 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "Eastview" in the second line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 137, subs. 1, amended

(2) Subsection 5 of the said section 137 is amended by striking out "Eastview" in the third line and inserting in lieu thereof "Vanier". 1968, c. 115, s. 137, subs. 5, amended

(3) Subsection 6 of the said section 137 is amended by striking out "Eastview" in the eighth line, in the eleventh line and in the fifteenth line and inserting in lieu thereof in each instance "Vanier". 1968, c. 115, s. 137, subs. 6, amended

18. Section 141 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "except that in respect of the Ottawa Board, where reference is made to a specific year, such year shall be read as the year next following", so that the section shall read as follows: 1968, c. 115, s. 141, amended

141. All the provisions of Part VI of *The Secondary Schools and Boards of Education Act* that are not inconsistent with this Part apply, Application of R.S.O. 1960, c. 362, Part VI

- (a) to the school divisions and divisional boards of education established under this Part; and

- (b) to the public school boards, high school boards, collegiate institute boards and boards of education wholly or partly in the school divisions established under this Part,

to the same extent as if such school divisions and divisional boards of education had been established under such Part VI, except that in respect of the Ottawa Board, where reference is made to a specific year, such year shall be read as the year next following.

1968, c. 115,
s. 143,
subs. 1,
amended

19.—(1) Subsection 1 of section 143 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out “section 248b” in the second line and inserting in lieu thereof “sections 248b and 250a”, so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 249

- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 248b and 250a, paragraphs 3 and 22 of section 377 and section 410 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

1968, c. 115,
s. 143,
amended

(2) The said section 143 is amended by adding thereto the following subsection:

Regional
Corporation
deemed
county for
purposes of
1961-62,
c. 18

- (7) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Commence-
ment

20.—(1) This Act, except sections 12 and 14, comes into force on the day it receives Royal Assent.

Idem

(2) Section 12 shall be deemed to have come into force on the 14th day of June, 1968.

Idem

(3) Section 14 shall be deemed to have come into force on the 1st day of January, 1969.

Short title

21. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1968-69*.

SECTION 19—Subsection 1. The amendment authorizes the Regional Corporation to enter into joint works and undertakings with other municipalities.

Subsection 2. The amendment is to make applicable the provisions of *The Construction Safety Act, 1961-62*.

An Act to amend The Regional
Municipality of Ottawa-Carleton Act, 1968

1st Reading

June 23rd, 1969

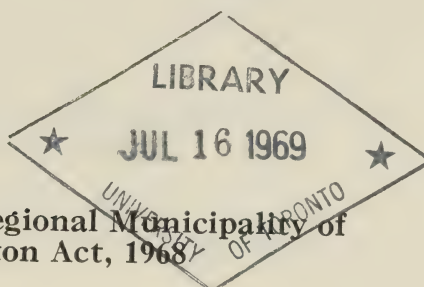
2nd Reading

3rd Reading

MR. MCKEUGH

BILL 200

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Regional Municipality of
Ottawa-Carleton Act, 1968

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 200

1968-69

An Act to amend The Regional Municipality of Ottawa-Carleton Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out “Eastview” in the third line and inserting in lieu thereof “Vanier”. 1968, c. 115, s. 1, cl. *a*, amended

(2) Clause *l* of the said section 1 is amended by striking out “Eastview” in the third line and inserting in lieu thereof “Vanier”. 1968, c. 115, s. 1, cl. *l*, amended

2. Section 3 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsection: 1968, c. 115, s. 3, amended

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1968, in and for the County of Carleton shall be deemed, so long as he continues to hold such office or appointment, to have held and to hold such office or appointment on and after the 1st day of January, 1969, in and for The Regional Municipality of Ottawa-Carleton. Appointments for County of Carleton deemed appointments for Regional Municipality of Ottawa-Carleton

3.—(1) Clause *a* of subsection 1 of section 4 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out “Eastview” in the second line and inserting in lieu thereof “Vanier”. 1968, c. 115, s. 4, subs. 1, cl. *a*, amended

(2) Clause *d* of subsection 1 of the said section 4 is amended by striking out “Eastview” in the first line and inserting in lieu thereof “Vanier”. 1968, c. 115, s. 4, subs. 1, cl. *d*, amended

(3) Clause *f* of subsection 1 of the said section 4 is repealed and the following substituted therefor: 1968, c. 115, s. 4, subs. 1, cl. *f*, re-enacted

- (f) subject to subsection 8, the deputy reeve of the Township of Nepean and the councillor of the said township who, at the general municipal election next preceding the day the Regional Council is organized in any year, received the highest number of votes.

1968, c. 115,
s. 6, subs. 2,
re-enacted

4. Subsection 2 of section 6 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

Township
of Nepean

- (2) On and after the 1st day of January, 1970, the council of the Township of Nepean shall consist of a reeve, a deputy reeve and five councillors, all to be elected by general vote.

1968, c. 115,
s. 22, subs. 2,
re-enacted

5. Subsection 2 of section 22 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

Signing of
cheques

- (2) Notwithstanding subsection 1, the Regional Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed or engraved on cheques.

1968, c. 115,
s. 26, subs. 1,
amended

6. Subsection 1 of section 26 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by inserting after "230" in the first line "232", by inserting after "240" in the second line "246" and by inserting after "paragraphs" in the third line "33", so that the subsection shall read as follows:

Application
of R.S.O.,
1960, c. 249

- (1) Sections 217, 223, 223a, 230, 232, 234 and 236, subsections 4 and 5 of section 238, sections 239, 240, 246 and 248c, and paragraphs 33, 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

1968, c. 115,
s. 33,
amended

7. Section 33 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "and any by-law passed by an area municipality under subsection 1 of the said section 130 shall be deemed to have been repealed prior to the 31st day of December, 1968", so that the section shall read as follows:

R.S.O. 1960,
c. 23, s. 130,
not to apply

33. Section 130 of *The Assessment Act* does not apply in any area municipality after the 31st day of December, 1968 and any by-law passed by an area municipality under subsection 1 of the said section 130 shall be deemed to have been repealed prior to the 31st day of December, 1968.

8. Subsection 3 of section 47 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work", so that the subsection shall read as follows:

- (3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

Raising of money by area municipality

R.S.O. 1960, c. 249

9. Subsection 3 of section 51 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "subject to the approval of the Municipal Board" in the third line, so that the subsection shall read as follows:

- (3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Raising of money by area municipality

R.S.O. 1960, c. 249

10. Section 75 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsections:

1968, c. 115, s. 75, amended

- (6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such

Idem

application for approval, make such order as to costs against the Regional Corporation as it deems proper and may fix the amount of such costs.

Appeal

- (7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

- (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may deem just.

Practice and procedure on appeal

- (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same *mutatis mutandis* as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95, not to apply

- (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

1968, c. 115, s. 78, subs. 3, re-enacted

11. Subsection 3 of section 78 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

R.S.O. 1960, c. 249, s. 459, subs. 6, not to apply

- (3) Subsection 6 of section 459 of *The Municipal Act* does not apply to such stopping up.

1968, c. 115, s. 83, subs. 8, repealed

12. Subsection 8 of section 83 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed.

1968, c. 115, s. 86, subs. 2-5, repealed

13. Subsections 2, 3, 4 and 5 of section 86 of *The Regional Municipality of Ottawa-Carleton Act, 1968* are repealed.

1968, c. 115, s. 89, subs. 3, amended

14. Subsection 3 of section 89 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by inserting after "municipalities" in the fourth line "and the County of Carleton and the United Counties on behalf of any area municipality", so that the subsection shall read as follows:

Hospitalization grant 1969 under R.S.O. 1960, c. 259

- (3) The 1969 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by the area municipalities and the County of Carleton and the United Counties on behalf of any area municipality for the purposes mentioned in such section 8a in the year 1968 and shall be paid to the Regional Corporation.

15. Section 92 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding thereto the following subsection: 1968, c. 115,
s. 92,
amended

- (1a) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties. Remuneration of certain members

16. Subsection 3 of section 113 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969", so that the subsection shall read as follows: 1968, c. 115,
s. 113,
subs. 3,
amended

- (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1968, power to issue debentures, except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969. Limitation; exception

17.—(1) Subsection 1 of section 137 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out "Eastview" in the second line and inserting in lieu thereof "Vanier". 1968, c. 115,
s. 137,
subs. 1,
amended

(2) Subsection 5 of the said section 137 is amended by striking out "Eastview" in the third line and inserting in lieu thereof "Vanier". 1968, c. 115,
s. 137,
subs. 5,
amended

(3) Subsection 6 of the said section 137 is amended by striking out "Eastview" in the eighth line, in the eleventh line and in the fifteenth line and inserting in lieu thereof in each instance "Vanier". 1968, c. 115,
s. 137,
subs. 6,
amended

18. Section 141 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by adding at the end thereof "except that in respect of the Ottawa Board, where reference is made to a specific year, such year shall be read as the year next following", so that the section shall read as follows: 1968, c. 115,
s. 141,
amended

141. All the provisions of Part VI of *The Secondary Schools and Boards of Education Act* that are not inconsistent with this Part apply, Application of R.S.O. 1960, c. 362,
Part VI

- (a) to the school divisions and divisional boards of education established under this Part; and

- (b) to the public school boards, high school boards, collegiate institute boards and boards of education wholly or partly in the school divisions established under this Part,

to the same extent as if such school divisions and divisional boards of education had been established under such Part VI, except that in respect of the Ottawa Board, where reference is made to a specific year, such year shall be read as the year next following.

1968, c. 115,
s. 143,
subs. 1,
amended

19.—(1) Subsection 1 of section 143 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is amended by striking out “section 248b” in the second line and inserting in lieu thereof “sections 248b and 250a”, so that the subsection shall read as follows:

Application
of R.S.O.
1960, c. 249

- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 248b and 250a, paragraphs 3 and 22 of section 377 and section 410 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

1968, c. 115,
s. 143,
amended

- (2) The said section 143 is amended by adding thereto the following subsection:

Regional
Corporation
deemed
county for
purposes of
1961-62,
c. 18

- (7) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be deemed to be a county and the area municipalities, except cities, shall be deemed to be the local municipalities that form part of the county for municipal purposes.

Commence-
ment

20.—(1) This Act, except sections 12 and 14, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 12 shall be deemed to have come into force on the 14th day of June, 1968.

Idem

- (3) Section 14 shall be deemed to have come into force on the 1st day of January, 1969.

Short title

21. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1968-69*.

An Act to amend The Regional
Municipality of Ottawa-Carleton Act, 1968

1st Reading

June 23rd, 1969

2nd Reading

June 26th, 1969

3rd Reading

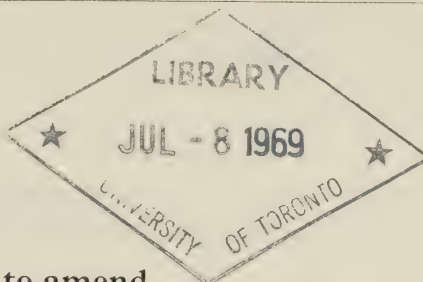
June 27th, 1969

MR. McKEOUGH

BILL 201

Government
Publications

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend
The Municipality of Metropolitan Toronto Act

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. Reference to *The Expropriation Procedures Act, 1962-63* is changed to a reference to *The Expropriations Act, 1968-69*.

SECTION 2. The effect of subsections 9 and 10 expires at the end of 1969.

SECTION 3—Subsection 1. The amendment provides for the four appointed members of the executive committee of the City of Toronto to be members of the Executive Committee of the Metropolitan Council.

Subsection 2. Subsection 4 is repealed as of January 1, 1970, as its effect will be spent. The former subsection 5 is re-enacted as subsection 4, to provide for certification as to membership of the executive committee of the City of Toronto to establish qualification for the Metropolitan Council Executive Committee.

BILL 201

1968-69

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 2 of *The Municipality of Metropolitan Toronto Act*, as enacted by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 2,
subs. 4
(1965,
c. 81, s. 1),
re-enacted

(4) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Expropriations Act, 1968-69*.

Deemed munici-
pality under
1968-69,
c.

2. Subsections 9 and 10 of section 5 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, are repealed.

R.S.O. 1960,
c. 260, s. 5
(1966,
c. 96, s. 3),
subs. 9, 10,
repealed

3.—(1) Clauses *c* and *d* of subsection 1 of section 12 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 6 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 12
(1966,
c. 96, s. 6),
subs. 1,
cl. *c*,
re-enacted;
cl. *d*,
repealed

(c) the four alderman members of the executive committee of the City of Toronto,

R.S.O. 1960,
c. 260, s. 12
(1966,
c. 96, s. 6),
subs. 4,
re-enacted;
subs. 5,
repealed

(2) Subsections 4 and 5 of the said section 12 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 12
(1966,
c. 96, s. 6),
subs. 4,
re-enacted;
subs. 5,
repealed

(4) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting

Certificate
of qualifica-
tion

a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto.

R.S.O. 1960,
c. 260, s. 21,
subs. 2,
re-enacted

4. Subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Alternative
method of
signing
cheques

- (2) Notwithstanding subsection 1, the Metropolitan Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed, or engraved on cheques.

R.S.O. 1960,
c. 260,
amended

5. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Distribution
of moneys
paid on
termination
of fixed
assessment
agreement
R.S.O. 1960,
c. 23

- 35a. Where the owner of a golf course makes a payment to an area municipality pursuant to subsection 4 or 5 of section 39 of *The Assessment Act*, the amount paid shall be distributed among the bodies for which the area municipality is required to levy in the proportion that the sum of the levies for each body during the currency of the agreement bears to the sum of the total levies during such period.

R.S.O. 1960,
c. 260,
s. 126
(1966,
c. 96, s. 12),
amended

6. Section 126 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is amended by adding thereto the following subsections:

Election
by wards

- (1a) The elective members of the boards of education for the City of Toronto and the boroughs of Etobicoke and East York shall consist of two members to be elected in each ward of the city or borough, as the case may be, and the elective members of the boards of education for each of the other area municipalities shall consist of one member to be elected in each ward of the area municipality.

Applica-
tion of
R.S.O. 1960,
c. 362

- (1b) Nothing in subsection 1a prevents the changing of the composition of a board of education and the election of the members thereof in accordance with the provisions of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 260,
s. 146
(1966,
c. 96, s. 12),
subs. 5,
repealed

7. Subsection 5 of section 146 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is repealed.

SECTION 4. The subsection is re-enacted to make it clear that the signature of any person authorized to sign cheques may be mechanically reproduced.

SECTION 5. The section added provides that the moneys paid on the termination of a fixed assessment agreement respecting a golf course be distributed in the same manner as the taxes paid on the fixed assessment were distributed.

SECTION 6. The subsections added clarify the composition of the boards of education of the area municipalities and the manner in which elective members thereof are to be elected.

Provision is made for changing the composition and manner of election in accordance with the provisions of *The Secondary Schools and Boards of Education Act*.

SECTION 7. Reference to *The Expropriation Procedures Act, 1962-63* is deleted as redundant by reason of *The Expropriations Act, 1968-69*.

SECTION 8. Reference to a magistrate is changed to a reference to a judge appointed under *The Provincial Courts Act, 1968*.

SECTION 9. The Metropolitan Corporation is authorized to enter into an agreement respecting an emergency call system for the metropolitan roads.

SECTION 10. Self-explanatory.

8. Clause *d* of subsection 1 of section 196 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 196, subs. 1, cl. *d* (1968, c. 80, s. 12), re-enacted

- (*d*) one provincial judge under *The Provincial Courts Act, 1968* designated by the Lieutenant Governor in Council; and 1968, c. 103

9. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, amended

257.—(1) The Metropolitan Corporation may enter into an agreement with the Ontario Motor League or any similar organization for the provision and maintenance of an emergency call system on any metropolitan road. Agreement for emergency call system

- (2) An agreement entered into under subsection 1 may be for such period and on such terms and conditions as may be thought proper. Terms and conditions

10. The Metropolitan Council may make a grant to York University in the amount of \$2,400,000 with the amount of \$24,000 to be paid in 1969 and the balance to be paid in nine equal annual instalments of \$264,000 commencing in 1970. Grant to York University

11.—(1) This Act, except sections 2, 3, 5 and 6, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2 and 3 come into force on the 1st day of January, 1970. Idem

(3) Sections 5 and 6 shall be deemed to have come into force on the 1st day of January, 1967. Idem

12. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1968-69*. Short title

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

June 23rd, 1969

2nd Reading

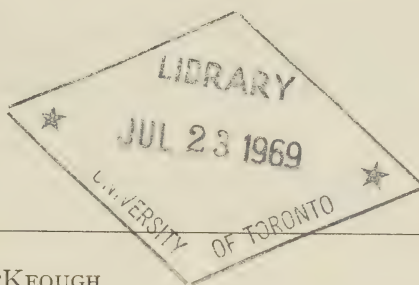
3rd Reading

MR. McKEOUGH

BILL 201

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69

**An Act to amend
The Municipality of Metropolitan Toronto Act**



MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 201

1968-69

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 2 of *The Municipality of Metropolitan Toronto Act*, as enacted by section 1 of *The Municipality of Metropolitan Toronto Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 2,
subs. 4
(1965,
c. 81, s. 1),
re-enacted

(4) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Expropriations Act, 1968-69*.

Deemed
municipi-
pality under
1968-69,
c.

2. Subsections 9 and 10 of section 5 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, are repealed.

R.S.O. 1960,
c. 260, s. 5
(1966,
c. 96, s. 3),
subs. 9, 10,
repealed

3.—(1) Clauses *c* and *d* of subsection 1 of section 12 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 6 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 12
(1966,
c. 96, s. 6),
subs. 1,
cl. *c*,
re-enacted;
cl. *d*,
repealed

(*c*) the four alderman members of the executive committee of the City of Toronto,

(2) Subsections 4 and 5 of the said section 12 are repealed and the following substituted therefor:

R.S.O. 1960,
c. 260, s. 12
(1966,
c. 96, s. 6),
subs. 4,
re-enacted;
subs. 5,
repealed

(4) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting

Certificate
of qualifica-
tion

a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto.

R.S.O. 1960,
c. 260, s. 21,
subs. 2,
re-enacted

4. Subsection 2 of section 21 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Alternative
method of
signing
cheques

- (2) Notwithstanding subsection 1, the Metropolitan Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed, or engraved on cheques.

R.S.O. 1960,
c. 260,
amended

5. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Distribution
of moneys
paid on
termination
of fixed
assessment
agreement
R.S.O. 1960,
c. 23

- 35a. Where the owner of a golf course makes a payment to an area municipality pursuant to subsection 4 or 5 of section 39 of *The Assessment Act*, the amount paid shall be distributed among the bodies for which the area municipality is required to levy in the proportion that the sum of the levies for each body during the currency of the agreement bears to the sum of the total levies during such period.

R.S.O. 1960,
c. 260,
s. 126
(1966,
c. 96, s. 12),
amended

6. Section 126 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is amended by adding thereto the following subsections:

Election
by wards

- (1a) The elective members of the boards of education for the City of Toronto and the boroughs of Etobicoke and East York shall consist of two members to be elected in each ward of the city or borough, as the case may be, and the elective members of the boards of education for each of the other area municipalities shall consist of one member to be elected in each ward of the area municipality.

Applica-
tion of
R.S.O. 1960,
c. 362

- (1b) Nothing in subsection 1a prevents the changing of the composition of a board of education and the election of the members thereof in accordance with the provisions of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 260,
s. 146
(1966,
c. 96, s. 12),
subs. 5,
repealed

7. Subsection 5 of section 146 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1966*, is repealed.

8. Clause *d* of subsection 1 of section 196 of *The Municipality of Metropolitan Toronto Act*, as re-enacted by section 12 of *The Municipality of Metropolitan Toronto Amendment Act, 1968*, is repealed and the following substituted therefor: R.S.O. 1960, c. 260, s. 196, subs. 1, cl. *d* (1968, c. 80, s. 12), re-enacted

- (*d*) one provincial judge under *The Provincial Courts Act, 1968* designated by the Lieutenant Governor in Council; and 1968, c. 103

.

9. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960, c. 260, amended

257.—(1) The Metropolitan Corporation may enter into an agreement with the Ontario Motor League or any similar organization for the provision and maintenance of an emergency call system on any metropolitan road. Agreement for emergency call system

- (2) An agreement entered into under subsection 1 may be for such period and on such terms and conditions as may be thought proper. Terms and conditions

10. The Metropolitan Council may make a grant to York University in the amount of \$2,400,000 with the amount of \$24,000 to be paid in 1969 and the balance to be paid in nine equal annual instalments of \$264,000 commencing in 1970. Grant to York University

11.—(1) This Act, except sections 2, 3, 5 and 6, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2 and 3 come into force on the 1st day of January, 1970. Idem

(3) Sections 5 and 6 shall be deemed to have come into force on the 1st day of January, 1967. Idem

12. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1968-69*. Short title

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

June 23rd, 1969

2nd Reading

June 26th, 1969

3rd Reading

June 27th, 1969

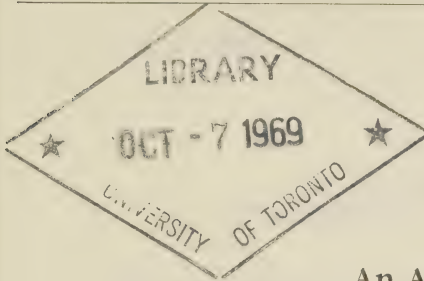
MR. McKEOUGH

A20N
B
356

Government
Publications

BILL 202

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend The Schools Administration Act

MR. REID (Scarborough East)

(Corrected 1st Reading)

EXPLANATORY NOTE

The Bill amends the subsection of *The Schools Administration Act* which authorizes the Principal to suspend pupils from the school by striking out those parts of the subsection which can be used to threaten pupils with the loss of their freedom of speech and freedom of association which other residents of Ontario have. The Bill adds other grounds for pupil suspension more suitable to a school in a democratic society and provides for written notification of the parents or guardian of a suspended pupil and for "due process" in the appeal procedures to the school board concerned.

BILL 202

1968-69

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 (*k*) of section 22 of *The Schools Administration Act* is amended by: striking out “persistent opposition to authority” in the second line; striking out “habitual neglect of duty” in the second and third lines and inserting in lieu thereof “habitual neglect of school work assigned by his teachers”; striking out “conduct injurious to the moral tone of the school” which is the fourth line and inserting in lieu thereof “conduct injurious to the physical wellbeing of others in the school”; by inserting after the word “notify” in the fifth line “in writing on the day the pupil is suspended”; by inserting after the word “which” in the ninth line “after due process of appeal”; so that the subsection shall read as follows:

(2) It is the duty of a principal, in addition to his duties as a teacher,

(*k*) to suspend any pupil guilty of persistent truancy, or habitual neglect of school work assigned by his teachers, the use of profane language, or conduct injurious to the physical wellbeing of others in the school, and to notify in writing on the day the pupil is suspended the parent or guardian of the pupil and the board and the inspector of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the principal to the board which, after due process of appeal, has the power to remove, confirm or modify the suspension;

2. The Act comes into force on the 1st day of September, 1969.

An Act to amend
The Schools Administration Act

1st Reading

June 24th, 1969

2nd Reading

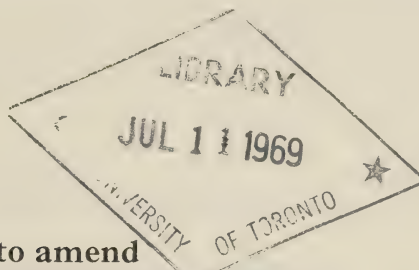
3rd Reading

MR. REID (Scarborough East)

(Corrected 1st Reading)

BILL 203

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



An Act to amend
The Ontario Human Rights Code, 1961-62

MR. PILKEY

EXPLANATORY NOTE

The Bill adds the sex of a person as one of the grounds on which no person may discriminate against another in the manner set forth in the Act.

BILL 203

1968-69

An Act to amend The Ontario Human Rights Code, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, 1961-62, c. 93, preamble, amended 1961-62 is amended by inserting after "colour" in the eighth line "sex".

2. Subsection 1 of section 1 of *The Ontario Human Rights Code*, 1961-62 is amended by inserting after "colour" in the sixth line "sex". 1961-62, c. 93, s. 1, subs. 1, amended

3. Section 2 of *The Ontario Human Rights Code, 1961-62*, 1961-62, c. 93, s. 2, amended as amended by section 1 of *The Ontario Human Rights Code Amendment Act, 1965*, is further amended by inserting after "colour" in the tenth line "sex".

4. Section 3 of *The Ontario Human Rights Code, 1961-62*, 1961-62, c. 93, s. 3, amended as amended by section 1 of *The Ontario Human Rights Code Amendment Act, 1967*, is further amended by inserting after "colour" in the tenth line "sex".

5.—(1) Subsection 1 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by inserting after "colour" in the fifth line "sex". 1961-62, c. 93, s. 4, subs. 1, amended

(2) Subsection 2 of the said section 4 is amended by inserting after "colour" in the third line "sex". 1961-62, c. 93, s. 4, subs. 2, amended

(3) Subsection 3 of the said section 4 is amended by inserting after "colour" in the sixth line and in the eighth line "sex". 1961-62, c. 93, s. 4, subs. 3, amended

6.—(1) Clause *a* of section 8 of *The Ontario Human Rights Code, 1961-62* is amended by inserting after "colour" in the third line "sex". 1961-62, c. 93, s. 8, cl. a, amended

1961-62,
c. 93, s. 8,
cl. c,
amended

(2) Clause *c* of the said section 8 is amended by inserting after "colour" in the third line "sex".

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1968-69*.

An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

June 24th, 1969

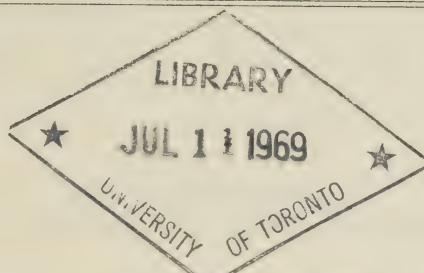
2nd Reading

3rd Reading

MR. PUKKY

BILL 204

2ND SESSION, 28TH LEGISLATURE, ONTARIO
18 ELIZABETH II, 1968-69



**An Act to amend
The Schools Administration Act**

MR. PITMAN

EXPLANATORY NOTE

The Bill provides for the establishment of,

1. An advisory committee to every board of education.
2. A school council in every elementary and secondary school.

The composition and method of appointing or electing the members of the advisory bodies are prescribed and their functions and powers specified.

BILL 204

1968-69

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Schools Administration Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 361,
amended

54a.—(1) There shall be an advisory committee to every board, composed of fifteen members to be appointed as follows: Advisory
committee
to be
appointed

1. Five members to be appointed by the board, of whom two shall be members of the board and three shall be persons employed on the administrative staff of the board.
 2. Five members to be appointed from among themselves by the teachers employed by the board.
 3. Five members, each of whom shall be either a ratepayer or the parent or guardian of a student attending a school in the area within which the board has jurisdiction, to be appointed by the Council of the Home and School Association functioning in the area within which the board has jurisdiction.
- (2) It is the function of the advisory committee and it has power to study, investigate and consider any or all of the matters over which the board has jurisdiction and to make such recommendations to the board respecting those matters as to the advisory committee seems fit. Functions of
committee
- (3) The advisory committee may determine its own rules of procedure and the manner of calling meetings, and the meetings of the committee shall be open to Meetings
to be open

the public, including representatives of the press and other information media, and no person shall be excluded therefrom except for improper conduct.

54b.—(1) The principal of every elementary or secondary school shall, at the commencement of the school year, cause to be established a school council to function during that year, composed of eighteen members to be selected as follows:

1. Six members to be appointed from among themselves by the teachers engaged in the school.
2. Six members to be elected from among themselves by the students in attendance at the school.
3. Six members, each of whom shall be either a ratepayer in the area in which the school is located or the parent or guardian of a student attending the school, to be appointed by the Home and School Association functioning in the area in which the school is located.

(2) It is the function of the school council and it has power to study, investigate and consider matters relating to the academic program offered at the school and the administrative practices followed, and to make such recommendations to the principal respecting those matters as to the school council seem fit.

(3) The school council may determine its own rules of procedure and the manner of calling meetings and shall hold at least one meeting in each month during the school year in which it functions.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Schools Administration Amendment Act, 1968-69*.

An Act to amend
The Schools Administration Act

1st Reading

June 24th, 1969

2nd Reading

3rd Reading

MR. PITMAN

